URBAN/MUNICIPAL
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C51P4
1998

AGENDA/MINUTES
PLANNING & DEVELOPMENT
COMMITTEE

URBAN/MUNICIPAL
CA4 ON HBL A05
C51P4
1998

PLANNING AND DEVELOPMENT COMMITTEE

SCHEDULE OF MEETINGS FOR 1998

Report titles to be listed in the "S" Directory by 5:00 o'clock p.m.	Reports to be submitted to Committee Secretary by 12:00 o'clock noon.	Agenda Review Meetings @ 10:00 o'clock a.m. in Room 264.	Committee Meetings @ 9:30 o'clock a.m. in Room 233.	City Council Meetings @ 7:30 o'clock p.m.
January 9	January 13	January 15	January 21	January 27
January 23	January 27	January 29	February 4	February 10
February 6	February 10	February 12	February 18	February 24
February 20	February 24	February 26	March 4	March 10
March 13	March 17	March 19	March 25	March 31
March 27	March 31	April 2	April 8	April 14
April 9	April 14	April 16	April 22	April 28
April 24	April 28	April 30	May 6	May 12
May 8	May 12	May 14	May 20	May 26
June 12	June 16	June 18	June 24	June 30
June 26	June 30	July 2	July 8	July 14
August 7	August 11	August 13	August 19	August 25
September 11	September 15	September 17	September 23	September 29
September 25	September 29	October 1	October 7	October 13
October 9	October 13	October 15	October 21	October 27
October 23	October 27	October 29	November 4	November 10
November 6	November 10	November 12	November 18	November 24
November 20	November 24	November 26	December 2	December 8

URBAN MUNICIPAL

JAN 2 1998

GOVERNMENT DOCUMENTS

URBAN/MUNICIPAL
CAY ON HBL A05
C51P4
1998

Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

URBAN MUNICIPAL

JAN 21 1998

GOVERNMENT DOCUMENTS

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1998 January 21
9:30 o'clock a.m.
Room 233, City Hall

S. M. Glover

Stella Glover, Secretary
Planning and Development Committee

AGENDA

1. **PUBLIC MEETINGS - 9:30 O'CLOCK A.M.**

   (a) Rental Housing Protection Act Application CD-97-006, 23-25 Macauley St. West, North End West Neighbourhood

   (b) City Initiative 97-C, for a change in zoning from "H" District to "C" District for property located at 166 Queenston Road.

   (c) Zoning Application 97-30, by 1186559 Ontario Inc. (Hai Chan Wah), owner, for changes in zoning for lands located at 21 Brantdale Avenue.

      (i) Submission - Angelo and Gina Di Rosa, 172 West 2nd Street

2. **PUBLIC MEETINGS - 9:45 O'CLOCK A.M.**

   (a) Revised Draft Plan of Subdivision "James Mount Gardens" (File No. 25T-91007(R)) and Zoning Application 97-24, by 90074 Ontario Inc. Setay Investment, c/o Mr. Gordon Albini, owner, for changes in zoning for property located at the rear of 1451-1471 Upper James Street, south-east of DiCenzo Drive.

   (b) City Initiative 97-D and SAC 97-06, Rezoning application and Plan of Subdivision - lands north of Mud Street, east of Mount Albion Road, west of the municipal boundary, in the Albion Falls Neighbourhood (Albion Mills Estate).

      (i) Submission - Cathy and William Winton, 20 Tamwood Crt, Stoney Creek

(c) Draft Plan of Subdivision SAR-97-07 by 712169 Ontario Limited (Gino Malatesta) owner, for lands located south of Delena Avenue South and north of Central Avenue.

(i) Submission - Betty & Ron Paolini, 121 Beland Avenue South

(ii) Submission - John and Teresa Kubay, 122 Beland Avenue South

3. DIRECTOR OF PLANNING AND DEVELOPMENT

1998 Planning Conferences.

4. TABLED FROM PREVIOUS MEETING

Report from City Clerk re Sub-Committees of the Planning and Development Committee

5. REFERRAL FROM CITY COUNCIL

Correspondence from Queen Street South Residents re Proposed Residential Care Facility - 366 Queen Street South.

6. CONSENT AGENDA

7. OTHER BUSINESS

8. ADJOURNMENT

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	ZA-94-30, 336-338 King St. W. Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
2.	Rehabilitation Loan Programs	1996 June 25 (Council)	Review to be conducted by staff	Recommendation from Building Commissioner to Cttee by 1996 Nov. 1
3.	Bringing responsibility for administration of Subdivisions, Condominium Control and Part Lot Control to the City from the Region	1996 July 3	Building Commissioner to draft Report	Report forthcoming
4.	Hamilton Harbour Land Use	1997 February 19	Staff report on site plan control procedures and incineration as a use regarding Hamilton Harbour Commission Lands	Report forthcoming
5.	ZA-97-02, 310 Limeridge Road West	1997 March 19	Alternate Uses for the property to be investigated	Tabled. To be brought back on 1997 May 21
6.	RHPA application CD-96-004, 222 Gage Avenue South	1997 April 2 and 1997 May 7	Ward Aldermen to meet with applicant and residents	Tabled for 1 month Further tabled for 6 months (to first meeting of Nov 1997)
7.	RHPA application CD-96-005, 155 Market Street	1997 April 23	Applicant to meet with residents in order to address their concerns	Tabled for 2 months
8.	Street Naming	1997 May 7	Planning and Development Staff requested to prepare a report explaining how street names are determined	Report pending
9.	Wesley Centre, 195 Ferguson Avenue North	1997 June 18	Planning, Clerk's Real Estate Division, and Economic Development Department to work with Wesley to determine alternate sites	Pending
10.	Correspondence from J. Wannop, 139-147 Locke St. S.- Site Plan	1997 June 18	Referred to Planning Staff for review and comment	Pending
11.	Appleblossom Drive Extension	1997 June 18	Referred to Planning Staff for report	Report forthcoming
12.	Boulevard Policy for New Subdivisions	1997 July 2	Staff directed to prepare report	Report forthcoming

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No.	Item	Original Date	Action	Status
13.	Planning Tariff Fees - Condominium and Subdivisions	1997 August 20	Sub-Committee to review and report back	Pending
14.	Licensing of New Hazardous Waste Sites	1997 August 20	Referred to Planning and Law Office Staff for report	Pending
15.	RHPA Application CD-97-002, 21 Kendale Court	1997 August 20	Clarification re: reserve funds for major repairs & resolve parking issue	Tabled for 1 month
16.	Demolition Permit Application - 30 Norfolk Street North	1997 October 22	Tabled Until legal issues are resolved	Pending

1998 January 21

1(a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 January 8
(CD-97-006)

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng
Chief Administrative Officer

SUBJECT:

**Rental Housing Protection Act Application CD-97-006 -
23-25 Macauley Street West, North End West Neighbourhood**

RECOMMENDATION:

(a) That approval be given to Application CD-97-006, under the Rental Housing Protection Act, Emilia Fazekas, Owner, for conversion of 5 rental townhouse units to condominium townhouse for the property located at 23-25 Macauley Street West, subject to the following conditions:

(i) That the City offer, on behalf of the Owner, in writing, to the Tenants residing at the premises on the date of Council's approval, the right to lease their current unit or a unit upon which the tenant and landlord mutually agree for a period of not less than three years from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in Appendix "A", upon the following minimum terms:

1. the Offer will be open for acceptance by the Tenants for a period of 30 days from the date the Offer is sent by the City;

2. the City will send the Offer, by registered mail, to the tenants residing at the premises as of the date of Council approval of the RHPA application, immediately following the expiration of the appeal period of the Council approval provided that the prescribed Phase II fee has been paid by, or on behalf of, the owner;

3. that the Tenants' rent will not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended; and,

4. that the Tenants' may terminate their lease, at any time, on 60 days written notice, without penalty.

(ii) That the City offer, on behalf of the Owner, in writing, to the Tenants residing at the premises on the date of Council's approval, an Option to purchase their current unit or a unit upon which the tenant and landlord mutually agree, together with appurtenant interests. Such Option shall allow each tenant at least three years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit. Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner;

(iii) 1. That the City send by registered mail to the tenants residing at the premises as of the date of the Council approval of the RHPA application, the Option to Purchase details set by City Council; and,

2. That the notice indicated in section (ii) above shall be sent immediately following the expiration of the appeal period of the Council approval provided that the prescribed Phase II fee has been paid by, or on behalf of, the Owner; and,

3. That the tenants noted in (ii) above shall be given 30 days from the date of the letter sent by the City to notify the City whether they are or are not interested in further considering the Option.

(iv) That this RHPA approval shall cease and be at an end,

1. if the Owner has sold the land without entering into an RHPA Approval Agreement with the City and registering same on title; or,

2. within two years from the date of Council's approval of RHPA application CD-97-006, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton;

(v) That the Owner enter into a RHPA Approval Agreement with the City in a form satisfactory to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendices "A" and "B", annexed hereto) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval;

(vi) In the event that the Owner proposes to sell all of the subject lands, he/she shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein;

(vii) That the Owner provide the City Solicitor with satisfactory evidence that any and all mortgagees of the property consent to the RHPA application; and,

(viii) That the Owner provide the City Solicitor with satisfactory evidence that there are no outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval.

(b) That upon satisfaction of the above-noted conditions, the City Solicitor be authorized to request that the City Clerk execute the RHPA Certificate of Approval.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The cost of processing this application under the Rental Housing Protection Act is paid for by the applicant through the application fees.

BACKGROUND:

Owner

Emilia Fazekas, owner.

Existing Building

The subject property contains 5 townhouse units, all of which are two-bedroom units. As of December 9, 1997, no units in the complex were vacant.

Nature of the Application

An application under the Ontario Rental Housing Protection Act (RHPA) for the property at 23-25 Macauley Street West was submitted to the City on September 6, 1997. The location of the subject property is shown on the attached key map. The proposal is to convert the five (5) townhouse units to condominium status. The applicant has indicated that unit #5 will be sold for $65,000 and the remaining units will be sold to tenants for $75,000.

Proposed Conversion Details

The applicant has not identified any renovations to be undertaken to the complex in the context of the conversion to condominium. The applicant has indicated that any tenants who do not wish to purchase a unit can remain as tenants within the complex for an indefinite period of time.

Rent Details

The monthly rental charges for the occupied units, effective September, 1997, are as follows:

- Unit #1 - $720
- Unit #2 - $750
- Unit #3 - $750
- Unit #4 - $750
- Unit #5 - $700

APPLICABILITY OF THE RENTAL HOUSING PROTECTION ACT:

The purpose of the Act is to protect the supply of rental housing. The Act regulates changes to rental housing units including renovations, conversion to condominium, conversion to other uses, demolitions and severances. The rental townhouse units at 23-25 Macauley Street West are subject to the Act since the applicant intends to convert the townhouse units to condominium status. The Act notes that Council of a municipality shall not approve an application under the Act unless the council is satisfied that at least one of the following criteria is met:

i) the building is structurally unsound;
ii) the applicant provides the same number of new rental units in a similar rental range and in the same area and provides the existing tenants with rental accommodation of similar quality and rent in the same area; and/or,
iii) in the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality.

Criteria i) is not applicable as the applicant is seeking to convert the existing building to condominium status.

Criteria ii) is not applicable as the applicant is not providing any new rental units.

Therefore, Council may approve this application if, it is of the opinion that the loss of these affordable rental units would not constitute an adverse effect on the supply of affordable rental housing in Hamilton. Further, if Council decides to approve the application, Council may wish to use the provisions of section 11(7) and 12 of the Rental Housing Protection Act to impose reasonable conditions on approval, to enter into agreements with the applicant concerning fulfilment of these conditions, and to register these agreements against title to the property.

Examples of reasonable conditions that Council has utilized in previous Rental Housing Protection Act applications include:

- provision to tenants who do not wish to purchase of a period of security of tenure from eviction by the applicant or a subsequent purchaser of a condominium on the grounds of personal possession under section 103 of the Landlord and Tenant Act and on the grounds of renovation and repair, conversion of use, or demolition under section 105 of the Landlord and Tenant Act.

- pricing of units for sale to tenants at the levels set out in the application.
- provision of a first right of refusal to all tenants interested in purchasing their unit.

ANALYSIS OF IMPACT/EFFECT ON THE RENTAL HOUSING MARKETPLACE:

City Council may approve the application through Regulation O.Reg. 524/94 of the Rental Housing Protection Act if, in Council's opinion, the removal of these 5 rental units will not adversely affect the supply of affordable rental housing in the City. In June, 1995, the Planning and Development Department submitted an Information Report to the Planning and Development Committee regarding the evaluation of applications for condominium conversion. The report outlined the criteria that will be used in evaluating applications and determining the staff recommendation. The criteria are in two groups: "Essential Criteria" and "Criteria for Which Conditions May be Instituted". The following is a list of the criteria in each group:

Essential Criteria:

1. The vacancy rate within the City of Hamilton for all units should be at least two percent.
2. The vacancy rate within the particular Canada Mortgage and Housing Corporation (hereafter referred to as "CMHC") Zone should be at least two percent (for all units).
3. The vacancy rate for the specific bedroom type should be at least two percent within the City and the zone.
4. The impact of conversion on the vacancy rates will be examined to ensure that vacancy rates will not be significantly impacted.
5. The rental pricing will be examined to review whether the units are priced significantly less than comparable units in the City and the zone.

Criteria for Which Conditions May be Instituted:

1. The availability of potential alternative rental accommodation will be reviewed in terms of bedroom type and monthly rental charge.
2. The affordability of the units will be examined in terms of affordability as ownership and rental units.
3. The monthly carrying costs will be examined to compare the monthly costs as rental and ownership units.

Sources of Rental Market Statistics:

Current and historical data from the semi-annual Canada Mortgage and Housing Corporation Rental Market Report is used to evaluate the above-noted criteria. CMHC has divided the City into seven geographic zones. The subject property is located within "Zone 4 - Central Zone". This zone is a horseshoe-shaped area bounded by Hwy. #403 on the west, Sherman Avenue on the east, the Hamilton Harbour on the north, the Niagara Escarpment on the south and excluding the area within the block bounded by Queen Street, Cannon Street, Wentworth Street and the Escarpment which is part of Zone 1 - "Downtown Core Zone".

The most recent CMHC Rental Market Survey is from October, 1997. It should be noted 23-25 Macauley Street West was not part of the CMHC survey. As the stock of conventional rental townhouse units in Zone 4 is limited (less than 15 units) and CMHC has suppressed data for purposes of confidentiality, statistics for apartments with 3 to 5 units are noted as well for rental market comparison purposes as the subject property contains 5 rental units.

Essential Criteria

Vacancy Rates

The overall rental townhouse vacancy rate for the City was recorded at 8.68 percent in October, 1997; in October, 1996 the vacancy rate was recorded at 8.00 percent. The overall vacancy rate for apartment buildings with 3 to 5 units for the City was recorded at 3.70 percent. The vacancy rate for apartments with 3 to 5 units in the Central Zone was recorded at 7.30 percent for all bedroom types. The vacancy rate for townhouses in the City has been recorded at above 5.0 percent since October, 1995. A vacancy rate between 2.0 percent and 3.0 percent is considered by CMHC as indicative of a healthy, competitive rental marketplace in a municipality.

Impact of Conversion on Vacancy Rate

Analysis of the change in the vacancy rate for the City and the Central Zone is used to determine if the conversion to condominium will negatively impact the vacancy rate within the City and the particular market zone.

Utilizing the published CMHC statistics from the October, 1997 Rental Market Survey, there is no impact on the vacancy rate at the City and CMHC Zone level as the subject property was not part of the actual CMHC survey.

Geographic Area	Bedroom Type	Before Conversion Vacancy Rate	After Conversion Vacancy Rate
City of Hamilton	Townhouse Units	8.68%	8.68%
City of Hamilton	3-5 Unit Apt Buildings	3.70%	3.70%
Zone 4 - Central	Townhouse Units	suppressed	suppressed
Zone 4 - Central	3-5 Unit Apt Buildings	7.30%	7.30%

Rental Pricing

Average Rent Levels

Bedroom Type	City Wide Average Rent (Oct/97)	Central Zone Average Rent (Oct/97)	22-25 Macauley W. Average Rent (Sept/97)
Two-Bedroom Townhouse Unit	$568	suppressed	$734.00
Two-Bedroom Apartment Unit	$579	$588	$734.00

The average monthly rent charges for 23-25 Macauley Street West are higher than the City of Hamilton average levels for both townhouse units and apartment units. Within Zone 4, rents at 23-25 Macauley Street West are higher than apartment units; rent data for townhouse units in Zone 4 - Central has been suppressed by CMHC.

Impact on Overall Supply of Rental Housing

The removal of the 5 townhouse units will reduce the rental stock in the City and the Central Zone. The following table shows the rental stock and the impact of removing these units from the overall rental supply.

Geographic Area	Bedroom Type	Rental Stock	% Reduction of Rental Stock
City of Hamilton	Units in 3-5 Unit Buildings	1,973	-0.25%
City of Hamilton	Townhouse	1,359	-0.37%
Zone 4 - Central	Units in 3-5 Unit Buildings	753	-0.67%
Zone 4 - Central	Townhouse	suppressed	na

The percentage reductions in the total rental stock are small for the City and Zone 4 - Central.

Criteria for Which Conditions May be Instituted

Potential Alternative Accommodation

A review was undertaken of the total number of vacant townhouse units within the City of Hamilton by monthly rent range as recorded by CMHC. This determines the extent or availability of similarly priced rental accommodation within the community. The table on the following page shows the actual distribution of occupied townhouse units within 23 -25 Macauley Street West by their monthly rental charge (information provided by the applicant) compared to the number of vacant rental townhouse units in Hamilton as reported by CMHC as of October, 1997.

Monthly Rent Range	23-25 Macauley St. W. Townhouse Units (All Occupied)	City of Hamilton Vacant Townhouse Units
$540-579		**
$580-619		**
$620-659		**
$660-699		2
$700-739	2	38
$740-799	3	18
$800-899		47
Total Units	5	118

** - Data suppressed by CMHC due to confidentiality and/or small numbers.

Based on the above table, there is an alternative supply of vacant rental townhouses in the City of Hamilton in the same rent range as the units within 23-25 Macauley Street West.

Monthly Carrying Costs

A review of the monthly carrying costs for a tenant purchasing a unit is based on the following assumptions:

1. A downpayment of 10 percent or 25 percent;
2. Prevailing mortgage interest rates (1-Year - 6.65%, 3-Year - 7.00% and 5-Year 7.05%);
3. An amortization of 25 years;
4. Property taxes at approximately $1,100 per year ($92 monthly); and,
5. A purchase price of $75,000 (as indicated by the applicant).

Bedroom Type	Downpayment	Mortgage Term	Principal, Interest & Taxes (PIT)	Variation from Actual Average Rent
Two-Bedroom	10 percent	One Year	$550	-$184 ($734)
Two-Bedroom	10 percent	Three Year	$564	-$170 ($734)
Two-Bedroom	10 percent	Five Year	$567	-$167 ($734)
Two-Bedroom	25 percent	One Year	$474	-$260 ($734)
Two-Bedroom	25 percent	Three Year	$486	-$248 ($734)
Two-Bedroom	25 percent	Five Year	$487	-$247 ($734)

Based on the above table, the units are significantly more "affordable" as owner-occupied compared to the actual average rent. It should be noted that monthly condominium fees have not been included in the above estimates. These would be conservatively estimated in the range of $60-$75 monthly.

Summary

Based on the October, 1997 CMHC statistics, the vacancy rate in the City of Hamilton for townhouse units was recorded at 8.68 percent. In October, 1986 the vacancy rate was recorded at 8.00 percent and 5.80 percent in October, 1995.

As the stock of conventional rental townhouse units in Zone 4 is limited (less than 15 units) and CMHC has suppressed this data for purposes of confidentiality, a review of rental market statistics for apartments in buildings with 3 to 5 units was undertaken. This provides an indication of rental market demand for rental units in structures which are similar in size to the subject property at 23-25 Macauley Street West, which contains 5 units.

The rental vacancy rate for apartment units in buildings with 3 to 5 units was recorded at 7.30 percent in Zone 4 as of October, 1997. In October, 1996, the vacancy rate was recorded at 3.99 percent and in October, 1995, the vacancy rate was recorded at 7.10 percent

A vacancy rate between 2.0 percent and 3.0 percent is considered as indicative of a healthy, competitive rental marketplace for both tenants and landlords. As such, the rental market statistics indicate there is an ample supply or rental housing within the City of Hamilton and Zone 4 - Central.

Accordingly, the proposal does satisfy the evaluation criteria established by staff to assess the merits of proposed condominium conversions. Therefore, the proposal to convert the 5 rental townhouse units at 23-25 Macauley Street West to condominium would not adversely affect the supply of affordable rental housing within the municipality.

IMPACT ON EXISTING TENANTS:

Some of the anticipated impacts on existing tenants have been noted in the preceding discussion. There is an ample supply of vacant alternative rental townhouse units within the City of Hamilton. In addition, the landlord has indicated that tenants can continue to rent their units indefinitely if they so desire.

TENANT CONCERNS:

The owner had met with the five affected tenants prior to the submission of the RHPA application to the City of Hamilton in September, 1997. All of the tenants indicated they were satisfied with the level of information provided at this meeting.

In addition, Planning and Development Department staff have been in direct contact with all of the tenants within 23-25 Macauley Street West over the past four week period. All of the tenants expressed satisfaction with the information provided to them by the landlord and the City in terms of the process and all indicated they were in favour of proceeding with the conversion of the townhouse units to condominium status.

COMMENTS:

City Council may approve the application through Regulation O.Reg. 524/94 of the Rental Housing Protection Act if, in Council's opinion, the removal of these 5 rental townhouse units will not adversely affect the supply of affordable rental housing in the City. Based on a review of several rental housing market indicators, it is evident that the removal of these 5 rental townhouse units will not adversely affect the supply of affordable rental housing in the City. Most importantly, the vacancy rate for townhouse units is very high at over 8.0 percent recognizing a vacancy rate between 2.0 percent and 3.0 percent is considered by CMHC as indicative of a healthy, competitive rental marketplace for both tenants and landlords.

For the information of the Committee, the application was circulated to various agencies for comments. The comments received were as follows:

- Building Department:
  "1. The recognized use is a 5-unit townhouse as approved by Committee of Adjustment decision A-88:240."

- Treasury Department:
  "OK, Realty Tax paid to date."

- Law Department:
  "no comments."

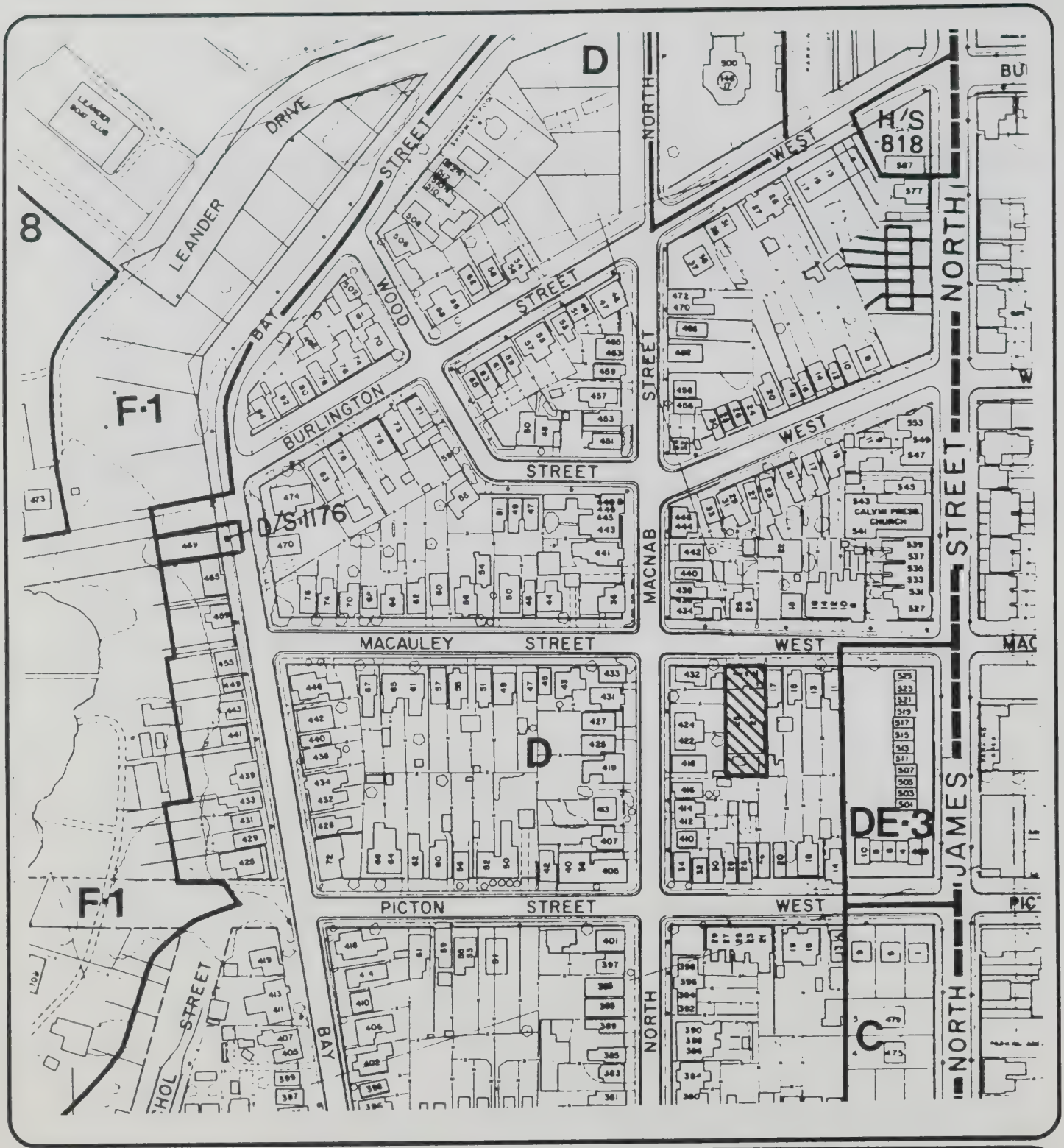
For the information of the Committee, the Rental Housing Protection Act will be repealed upon Royal Assent of "An Act to Consolidate and Revise the Law with respect to Residential Tenancies". The Provincial Government has indicated that Royal Assent will occur this Spring, in either March or April. Outstanding Rental Housing Protection Applications, such as this one for 23-25 Macauley Street West, are to be completed recognizing the criteria previously established by Regulation to the Act.

CONCLUSION:

On the basis of the foregoing, the application can be supported. The proposed conversion to condominium of the 5 rental townhouse units will not cause an adverse impact on the supply of affordable rental housing in the City of Hamilton and the Central Zone.

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City of Hamilton

Key Map

Rental Housing Protection Act

23-25 MACAULEY STREET WEST

Planning and Development Department

Legend

Location of Subject Lands

North	Scale	Reference File No.
	Not to Scale	CD-97-006
	Date	Drawn By
	December 1997	B. B.

APPENDIX "A"

List of Tenants at 23-25 Macauley Street West:

Charles and Jeanette Fair
Unit #1
23-25 Macauley Street West
Hamilton, Ontario
L8L 1E6

Monthly Rent: $720.00

Penny Richard
Unit #2
23-25 Macauley Street West
Hamilton, Ontario
L8L 1E6

Monthly Rent: $750.00

Patricia Dugas
Unit #3
23-25 Macauley Street West
Hamilton, Ontario
L8L 1E6

Monthly Rent: $750.00

Gloria and Lloyd MacKenzie
Unit #4
23-25 Macauley Street West
Hamilton, Ontario
L8L 1E6

Monthly Rent: $750.00

Tuyen Nguyen
Unit #1
23-25 Macauley Street West
Hamilton, Ontario
L8L 1E6

Monthly Rent: $700.00

APPENDIX "B"

The conditions of RHPA approval are subject to the following standard terms, which terms shall form part of the applicable document:

(a) The following documents, namely the RHPA Approval Agreement, the leases and the Options to purchase shall be prepared by the Owner and registered by the Owner at his/her expense, including payment of registration fees.

(b) If the Tenant at any time vacates their rental unit, the Tenant's rights pursuant to lease and the Option to Purchase shall cease. The Tenant may not enter into an Agreement of Purchase and Sale unless the Tenant is at the time of its execution in possession of a rental unit.

(c) The Tenant's rights under the RHPA Approval Agreement, the lease, and the Option to Purchase shall be personal to the named Tenant(s) only and not assignable by the Tenant(s) to anyone, unless approved by the owner, in the owners absolute discretion.

1 (b)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 November 11
CI-97-C
Glenview West Neighbourhood

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: City Initiative 97-C for a change in zoning - 166 Queenston Road.

RECOMMENDATION:

(a) That approval be given to City Initiative 97-C, for a change in zoning from "H" (Community Shopping and Commercial) District to "C" (Urban Protected Residential, etc.) District for property located at 166 Queenston Road, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That the subject lands be rezoned from "H" (Community Shopping and Commercial) District to "C" (Urban Protected Residential, etc.) District;

(ii) That the Director of Planning and Development be authorized to prepare a By-law, in a form satisfactory to the City Solicitor, to amend Zoning By-law No. 6593 and Zoning District Map E-9D be enacted by City Council; and,

(iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is for a change in zoning from "H" (Community Shopping and Commercial) District to "C" (Urban Protected Residential, etc.) District, for lands located at 166 Queenston Road, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to provide the appropriate residential zoning for the development of 16 single family dwellings in accordance with the draft approved plan of subdivision "Silvana Gardens" (Bishop Ryan School Site).

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Subdivision Application 97-02

Council, at this meeting of July 8, 1997, recommended approval of Subdivision Application 97-02 to permit the redevelopment of the former Bishop Ryan School site for 40 lots for single family dwellings.

Planning and Development Department staff recommended that as a condition of draft plan approval, the applicant should be required to rezone the front portion of the subject lands from the existing "H" District to "C" District. Planning and Development Department staff were concerned that although single family dwellings are a permitted use in the "H" District, the primary permitted uses in the "H" District are commercial. As such, a commercial use could be legally established on those lots zoned "H" District which could have an adverse affect on the abutting single family dwellings.

A compromise was negotiated with the developer whereby the developer agreed to permit the City to proceed with a rezoning of those lots within the "H" District and agreed not to object to the rezoning and, furthermore, the developer agreed to impose a similar restriction on any purchaser of all or part of the property if the purchase was to be completed prior to the finalization of the zoning by-law.

LOT SIZE AND AREA:

The subject lands have

- 178.45 m of lot width;

- approximately 40 m of lot depth; and
- 7,138 m^2 of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant lands	"H" (Community Shopping and Commercial) District
Surrounding Land Use		
to the north	Commercial and Multiple Residential	"H" (Community Shopping and Commercial) District and "DE-3" (Multiple Dwellings) District
to the south	Single Detached Residential	"C" (Urban Protected Residential, etc.) District
to the east and west	Commercial and Institutional uses	"H" (Community Shopping and Commercial) District

OFFICIAL PLAN:

The subject lands are designated "Major Institutional". The proposed rezoning complies with the Official Plan in that the subject lands will be redesignated from "Major Institutional" to "Residential" as part of a housekeeping amendment.

NEIGHBOURHOOD PLAN:

There is no approved neighbourhood plan for the Glenview West Neighbourhood.

COMMENTS RECEIVED:

- The Traffic Division, Department of Public Works and Traffic advised that the proposed change in zoning is satisfactory.
- The Building Department has advised:

  "1. Our records indicated that the last recognized use of the existing westerly property, municipally known as 130 Queenston Road, is a restaurant on the first floor with residential on the second floor. It cannot be determined if the requirements under Section 18A of Zoning By-law 6593 can be provided with

respect to commercial uses abutting a residential district.

2. Our records indicate the last recognized use of the easterly property, municipally known as 222 Queenston Road, is a public hall. It cannot be determined if the requirements under Section 18A of Zoning By-law 6593 can be provided when a public use abuts a residential district.

3. Please note the "H" zoning district requirements for a front yard as per Section 14(3)(i): "Where a front yard is required for any lot on the same side of a street between two intersecting streets, a front yard of a depth of at least as great as that required for any such lot." Therefore, a 6.0m front yard setback will now be required instead of the 0.0m setback as previously required in the "H" district."

- The Regional Environment Department, has advised that:

"There are public watermains and combined storm and sanitary sewers available to service the subject lands."

The Regional Transportation Department, Roads Division, have the following comments:

"According to our records, the Region has previously acquired the necessary road allowance widenings adjacent to Queenston Road, therefore, no additional widenings are required at this time.

Any works which may occur within the Queenston Road road allowance must conform to the Region's Road Use By-law."

- The Regional Environment Department, Planning Division advised of the following:

"Regional Comments:

The subject lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan.

The subject lands previously contained a school site (i.e. Bishop Ryan High School), where potential exists of site contamination. Since residential development is proposed for the site, the proposal must conform to Policy B-2.3 "Contaminated Site Remediation", of the H.W.O.P.

Its noted that the Region is processing a subdivision application (Regional File N. 25T-97005) to develop the former school site for residential use.

Provincial Comments:

The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. Since the subject lands contained a former school site, which is considered to have potential for having site contamination, the application requires further demonstration of how it has regard for the following PPS policies:

3 PUBLIC HEALTH AND SAFETY

3.2 Human-made Hazards

3.2.2 Contaminated sites will be restored as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effect.

Therefore, consideration of the approval of the proposed rezoning to permit residential development on the subject lands must address the following:

That the owner demonstrate that the site is not contaminated and that remediation/cleanup has occurred in accordance with the "Guidelines for use at Contaminated Sites in Ontario -February 1997."

COMMENTS:

1. The proposal complies with the intent of the Official Plan.

2. The proposal has merit and can be supported in that it would be compatible with existing and future planned residential uses. In addition, the proposal establishes a consistent zoning on the subject lands for residential uses.

3. The proposed change in zoning will remove the potential for the establishment of a commercial use in a residential area which could have an adverse affect on the abutting single family dwellings.

4. The Building Department has advised that as a result of the proposed change in zoning, the abutting commercial uses may become legal non-conforming with respect to parking and front yard setback. Specifically, the existing restaurant to west and public hall to the east may not be able to provide the required setback for the parking area where it abuts a residential district. In addition, as a result of the change in zoning a 6.0 m front yard setback will be required instead of the 0.0m setback as previously required for the building to the west of the subject lands. As such, the abutting commercial uses will become legal non-conforming and any changes to these buildings may require an application to the Committee of Adjustment.

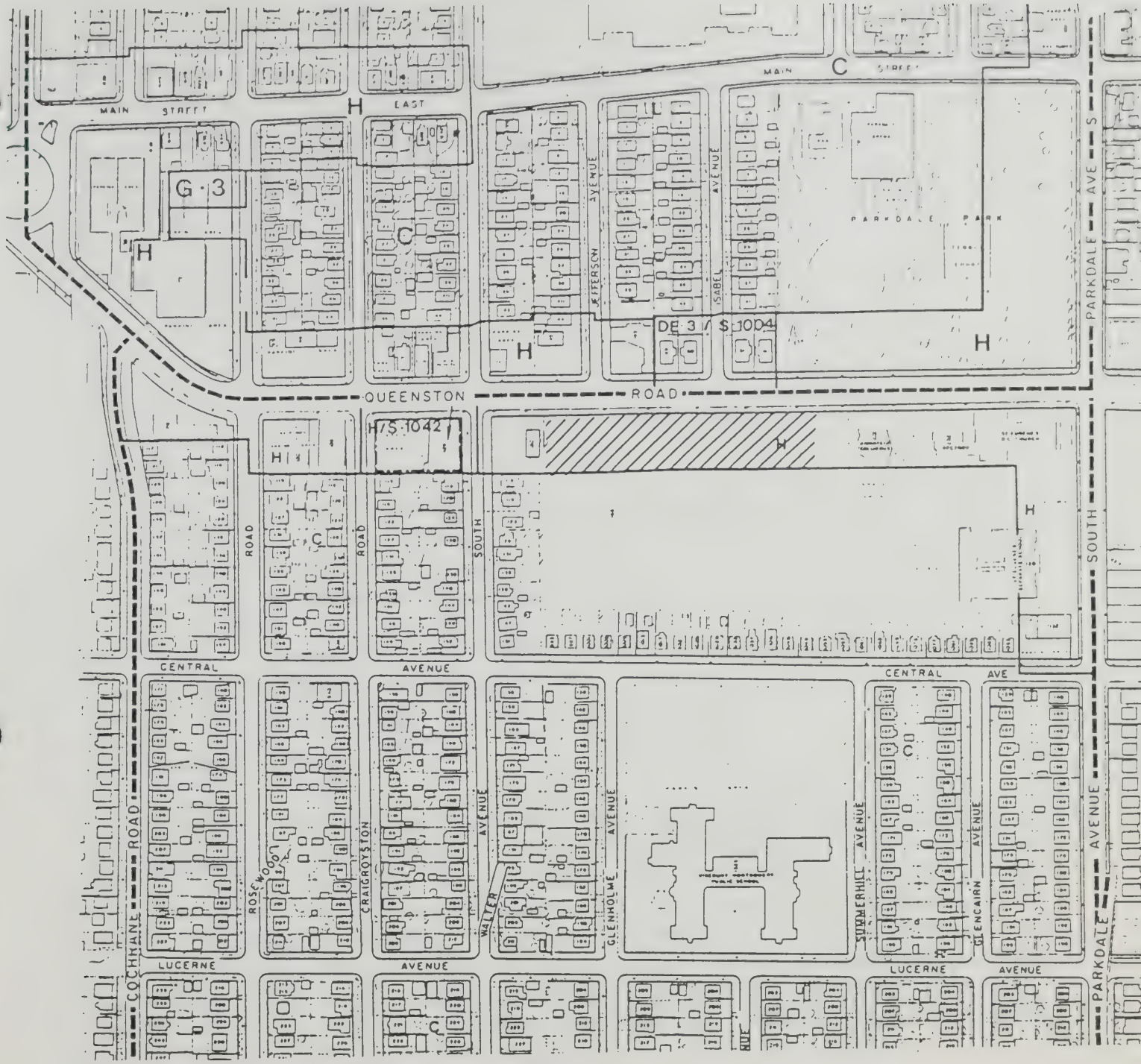
5. The Regional Environment Department has advised that since the subject lands contained a former school site, there is a potential for site contamination. It is noted that as a

condition of draft plan approval, the owner/developer is required to submit a signed Record of Site Condition (RSC) to the satisfaction of the Region of Hamilton-Wentworth and the Ministry of Environment and Energy (MOEE) and provide written acknowledgement of same by the MOEE. If the RSC reveals soil contamination, then the owner/developer will be required to undertake site remediation before being able to proceed with registration of the proposed plan of subdivision. The Regional Environment Department has advised that as of October 24, 1997, a RSC had not been submitted for the subject lands.

CONCLUSION:

Based on the foregoing, the City Initiative can be supported.

SR/sr
CI-97-C.RPT



Legend

Proposed Change in Zoning

From "H" (Community Shopping and Commercial, etc.) District.
To "C" (Urban Protected Residential, etc.) District.

Reference File No.
CI-97-C
Drawn By: R.L.
Date: July 19
Scale: Not to Scale
North

1 (c)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 January 5
ZAC-97-30
Southam Neighbourhood

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Request for a modification and change in zoning - 21 Brantdale Avenue

RECOMMENDATION:

That approval be given to Amended Zoning Application ZAC-97-30, 1186559 Ontario Inc. (Hai Chan Wah), owner, requesting a rezoning from "C" (Urban Protected Residential, etc.) District to "R-4" - 'H' (Small Lot Single Family Detached - Holding) District (Block 1), a rezoning from "C" (Urban Protected Residential, etc.) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District, modified (Block "2"), and a rezoning from "C" (Urban Protected Residential, etc.) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District (Block "3"), to permit the development of ten (10) single family detached dwellings, for property located at 21 Brantdale Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That the amending by-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands (Blocks "1", "2" and "3"), by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as the owner submits a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment and Energy (MOEE), to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOEE.

City Council may remove the 'H' symbol, and thereby give effect to the rezoning and modified provisions as stipulated in this By-law, by enactment of amending By-law once the condition is fulfilled;

(ii) That Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District to "R-4" - 'H' (Small Lot Single Family Detached - Holding) District;

(iii) That the "R-4" (Small Lot Single Family Detached) District regulations, as contained in Section 9A of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variance as a special requirement:

1) That notwithstanding Section 9A(2)(c)(1), a minimum average lot width of 9.14 m shall be permitted;

(iv) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District;

(v) That the "C" (Urban Protected Residential, etc. District regulations, as contained in Section 9 of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variance as a special requirement:

1) That notwithstanding Section 9(4), a minimum lot width of at least 11.4 m and a minimum lot area of 340.0 m^2 shall be permitted;

(vi) That Block "3" be rezoned from "C" (Urban Protected Residential, etc.) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District;

(vii) The amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S- , and that the subject lands on Zoning District Map W-7 be notated S- ;

(viii) That the City Solicitor be directed to prepare a By-law to amend Zoning District Map W-7 for presentation to City Council; and,

(ix) That the proposed changes in zoning are in conformity with the Official Plan for the City of Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide a change in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" - 'H' (Small Lot Single Family Detached - Holding) District, modified (Block "1"), from "C" (Urban Protected Residential, etc.) District to "C" -'H' (Urban Protected Residential, etc - Holding) District, modified (Block "2"), and from "C" (Urban Protected Residential, etc.) District to "C" - 'H' (Urban Protected Residential, etc. - Holding)

District (Block "3") for lands located at 21 Brantdale Avenue, as shown on the attached map (APPENDIX "A").

The effect of the By-law is to permit the construction of five (5) small lot single family detached dwellings (Block "1") and five (5) single family detached dwellings (Blocks "2" and "3") with the following variances:

- Block "1" - a minimum average lot width of 9.14 m, whereas an average lot width of not less than 10.0 m is required; and,

- Block "2" - a minimum lot width of 11.4 m and a minimum lot area of 340.0 m^2, whereas a minimum lot width of 12 m and a minimum lot area of 360 m^2 is required.

In addition, the amending by-law establishes the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, on the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as the owner submits a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment and Energy (MOEE) to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOEE.

City Council may remove the 'H' symbol, and thereby give effect to the rezoning and modified provisions as stipulated in this By-law by enactment of amending By-law once the condition is fulfilled.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The applicant is proposing to develop the subject lands for ten (10) single family dwellings. This is an amendment to the original proposal for the nine (9) single family dwellings and one (1) semi-detached dwelling (see APPENDIX "B").

APPLICANT:

1186559 Ontario Inc. (Hai Chan Wah), owner.

LOT SIZE AND AREA:

The subject lands have:

- a frontage of approximately 76 m on Brantdale Avenue;
- a frontage of approximately 91 m on West Second Street; and,
- a lot area of approximately 4180 m^2.

LAND USE AND ZONING:

	Land Use	Zoning
Subject Lands	Vacant (former Brant-dale School)	"C" (Urban Protected Residential, etc.) District
Surrounding Lands		
to the north, south east and west	Single Family Dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "Major Institutional" on Schedule "A" - Land Use Concept of the Official Plan. The following policies, amongst others, apply:

"A.2.6.1 The primary uses permitted in the areas exceeding .4 hectare in size designated on Schedule "A" as MAJOR INSTITUTIONAL, will consist of cultural facilities, health, welfare, educational, religious, and governmental activities and related uses.

A.2.6.5 Notwithstanding the policies set out above, in areas designated MAJOR INSTITUTIONAL USES, Residential uses may be permitted provided they are compatible with the surrounding area."

The proposal complies with the Official Plan. The subject lands will be redesignated to reflect their intended use through a housekeeping amendment.

NEIGHBOURHOOD PLAN:

The subject lands are in the Southam Neighbourhood which does not have an approved Neighbourhood Plan.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority and the Department of Public Works and Traffic have no comment or objections.

- The Building Department advises (refer to APPENDIX "B"):

"1. Our records indicate that the address of the property is 15 Brantdale Avenue West.

2. Block 1

The "C" residential district requires a minimum lot width of 12.0m and a minimum lot area of 360.0m^2. The proposed four (4) lots do not comply.

3. Block 2

The "R-4" district requires a minimum average lot width of 10.0m and a minimum average lot area of 306.0m^2. No lot shall have a width of less than 9.0m or a lot area of less than 278.0m^2. The proposed five (5) "R-4" lots do not meet the average lot width of 10.0m.

4. Block 3

The semi-detached dwelling in the proposed "R-4" district requires a minimum lot width of 18.0m and a lot area of 540.0m^2. The proposed lot does not meet the minimum required lot width.

5. If the creation of this semi-detached dwelling is for the purpose of selling each of the two dwellings separately, then the one dwelling unit would have to use West 2nd Street as the required front yard, leaving an insufficient rear yard. Therefore, a successful application to the Committee of Adjustment will be required.

6. A recommendation would be to permit a pair of semi-detached dwellings to front on West 2nd Street while providing a 1.2m rear yard, therefore, allowing the sale of one dwelling unit from another. "

- The Regional Environment Department (Development Engineering Services) advises (refer to APPENDIX "B"):

"1. According to our records the existing road allowance widths of Brantdale Avenue and West 2nd Street 15.24m. In order for the City to construct the standard 9m radius and the municipal walk at the intersection of West 2nd Street and Brantdale Avenue and at the intersection of West 2nd and Brucedale Avenue, we recommend as a condition of development approval that 4m by 4m daylight triangles be dedicated to the City of Hamilton at these intersections for road widening purposes. These dimensions are based on our construction drawings and the daylight triangle widening dimensions could be reviewed at the detailed engineering stage.

2. We have reviewed the zoning for Block 3 on the basis that the garages will be setback a minimum of 6.0m from West 2nd Street.

3. Any street trees which may require removal due to this development proposal must be approved by the Forestry Section of the City of Hamilton Department of Public Works and Traffic. Any costs associated with the removal and replacement of these street trees are the sole responsibility of the applicant/owner.

4. Any works which may occur within the Brantdale Avenue, West 2nd Street or Brucedale Avenue road allowance must conform to the City of Hamilton Streets By-law."

- The Regional Environment Department (Planning) advises:

"The subject lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan (H.W.O.P.)

The subject lands contained a former school (i.e. Brantdale Elementary School) where potential exists of site contamination. since residential development is proposed for this site, the proposal must conform to Policy B-2.3 "Contaminated Site Remediation", of the H.W.O.P. (Policies attached).

The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. Since the subject lands requires further demonstration of how it has regard for the following PPS policies:

3 Public Health and Safety

3.2 Human-made Hazards

3.2.2 Contaminated sites will be restored as necessary prior to any activity on the site

associated with the proposed use such that there will be no adverse effect.

Therefore, approval of the proposal should be conditional upon the following:

1) Submission of a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment and Energy (MOEE). This RSC must be to the satisfaction of the Region including an acknowledgement of receipt of the RSC by the MOEE."

COMMENTS:

1. The proposal complies with the Official Plan.

2. The application can be supported on the following basis:

   - the proposed single family dwellings are compatible with the existing development in the area. In this regard, the proposed lot sizes and area are consistent with the existing lot sizes and areas; and,

   - it is an appropriate redevelopment of a former school site in a low density residential neighbourhood.

3. The Regional Environment Department advises that the subject lands was a former school, where potential exists for site contamination. The proposal must conform to the Regional Official Plan and Provincial Policy regarding contaminated sites and their remediation. On this basis, it is recommended that approval be conditional on the submission of a signed Record of Site Condition (RSC) to the Region and Ministry of Environment and Energy (MOEE), to the satisfaction of the Region, and including an acknowledgement of receipt of the RSC by the MOEE.

   Based on the foregoing, it is appropriate to place the subject lands in a holding zone, by introducing the holding symbol 'H' as a suffix to the proposed zoning district. The holding provision would prohibit the development of the subject lands until such time as the owner submits a signed Record of Site Condition (RSC) to the Region and Ministry of Environment and Energy (MOEE), to the satisfaction of the Region, and including an acknowledgement of receipt of the RSC by the MOEE. The City may remove the 'H' symbol, and thereby given effect to the appropriate district provisions of the by-law, by enactment of an amending by-law, once the condition is fulfilled.

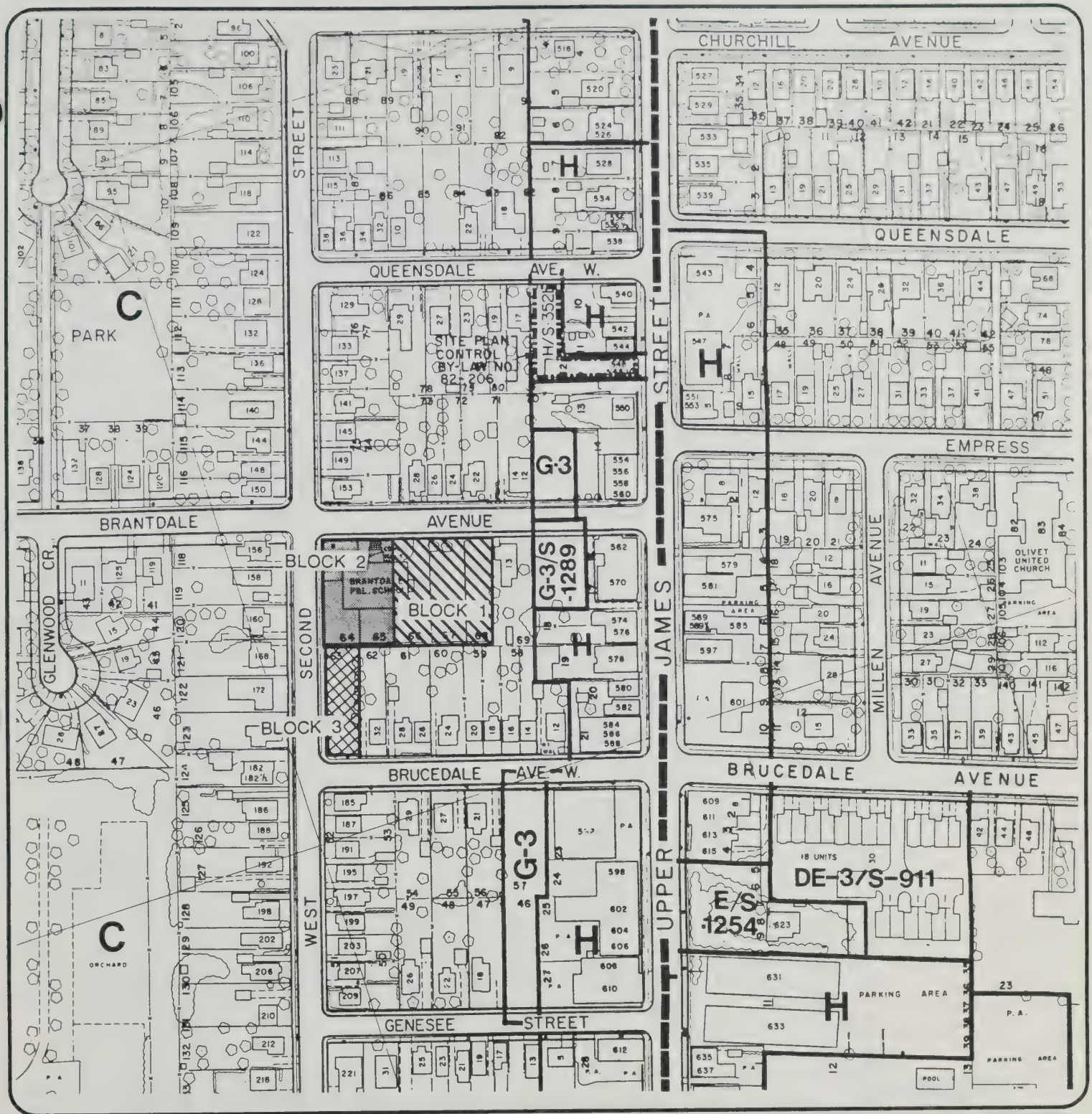
4. The Development Engineering Services section of the Regional Environment Department notes that 4m x 4m daylight triangles will be required to construct the standard 9m radius and municipal walk at the intersections of West 2nd Street and Brantdale Avenue and West 2nd and Brucedale Avenue. This requirement will reduce the minimum lot size for the lot to be created at the southeast corner of West 2nd Street and Brantdale Avenue

(Block "2") by approximately 8 m^2. On this basis, it would be appropriate to reduce the minimum lot size for these lots to 340.0 m^2. Further, the dedication of these lands can be undertaken at the subdivision stage of the development.

CONCLUSION:

Based on the foregoing, the amended application can be supported.

CLF/
ZAC-97-30



Legend

BLOCK 1 "C" (Urban Protected Residential, etc.) District to "R-4"-'H' (Small Lot Single Family Detached- Holding) District, Modified.

BLOCK 2 "C" (Urban Protected Residential, etc.) District to "C"-'H' (Urban Protected Residential, etc. - Holding) District, Modified.

BLOCK 3 "C" (Urban Protected Residential, etc.) District to "C"-'H' (Urban Protected Residential, etc. - Holding) Distnct.

City of Hamilton

APPENDIX "A"

Planning and Development Department

North	Scale	Reference File No
	NOT TO SCALE	ZAC-97-30
	Date	Drawn By
	DECEMBER, 1997	R.L.



Legend

CHANGE IN ZONING FROM :

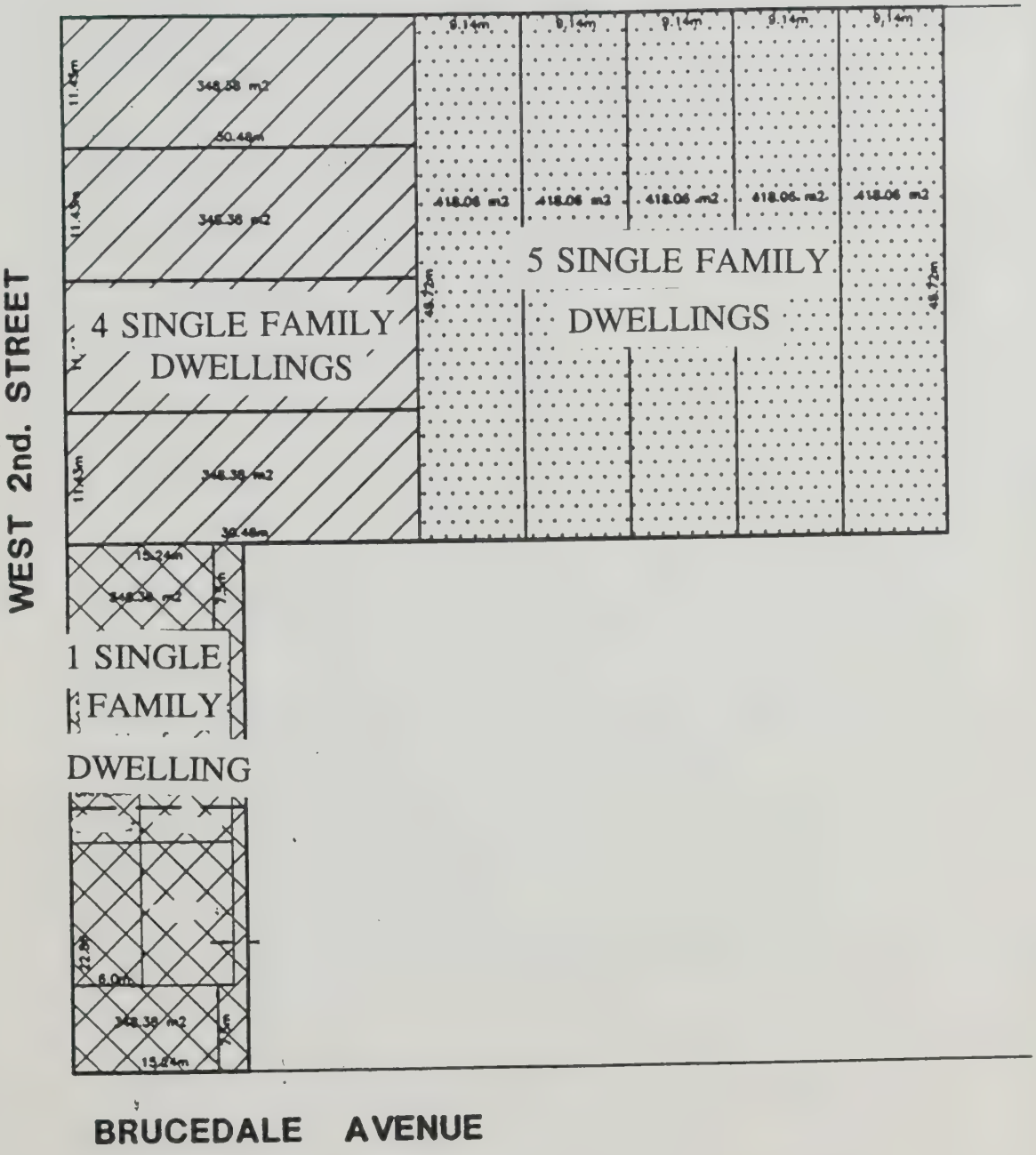
BLOCK 1 & BLOCK 2 — "C"(Urban Protected Residential, etc.) District To "R-4"(Small Lot Single Family Detached) District, Modified.

BLOCK 3 — Modification to the existing "C" (Urban Protected Residential, etc.) District regulations.

Reference File No.	
ZAC-97-30	
Drawn By	Date
R.L.	Oct. 1997
Scale	
Not to Scale	
North	

FORMERLY BRANTDALE SCHOOL
CITY OF HAMILTON

ZONING AMENDMENT MAP
SITE PLAN



PLANNING & ENGINEERING INITIATIVES LTD.

PLANNERS CONSULTING ENGINEERS & LANDSCAPE ARCHITECTS

Designed By:	Scale: 1:800
Drawn By: S.M.P.	Date: AUG. 1997
Checked By: S.M.	Drawing Number: 1-1
Project: HP481001	

Nov. 1(c)i

ANGELO DI ROSA
172 WEST 2ND ST.
HAMILTON ONT.
L9C 3G1

CITY HALL
71 MAIN ST. WEST
HAMILTON ONT
L8N 3V9

NOV 10 1997

RE: REFERENCE FILE NO ZAC-97-30

DEAR SIR: I AM WRITING TO OPPOSE THE NEW ZONING AT 21 BRANTDALE AVE HAMILTON, I WANT TO SEE SINGLES HOMES TROUGH OUT THE AREA, AS IT IS NOW.

YOURS TRULY
Angelo Di Rosa
Gina Di Rosa

Copy to V. Abraham, Director of Planning & Development; P. Noé Johnson, City Solicitor
from Stella Glover, Secretary, Planning Development Committee - Nov. 10/97 .jt

2(a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 January 12
Ryckmans Neighbourhood
ZAC-97-24, 25T91007(R)

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Draft Plan of Subdivision "James Mount Gardens" (File No. 25T-91007(R))

Request for a change in zoning for property located at the rear lands of 1451-1471 Upper James Street and south east of DiCenzo Drive.

RECOMMENDATION:

A. That approval be given to revised Subdivision Application (Regional File No. 25T-91007(R)), 900074 Ontario Inc. (Gordon Construction Company), owner, to establish a draft plan of subdivision "James Mount Gardens", on lands located at 1451-1471 Upper James Street and south-east of DiCenzo Drive, in the Ryckmans Neighbourhood, as shown on the attached map marked as APPENDIX "A" subject to the following conditions:

(i) That this approval apply to the plan as revised in red, prepared by Planning and Engineering Initiatives Ltd. and certified by B.A. Jacobs, O.L.S., dated May 7, 1997, showing 13 lots for two family dwellings (Lots 1-13), 1 block to be developed in conjunction with adjacent lands for a two family dwelling (Block 21), 2 blocks to be developed in conjunction with the adjacent lands for street townhouses (Blocks 19 and

20), 6 blocks to be developed with the adjacent lands for single detached dwellings (Block 22 and Blocks 26-30, inclusive,), 5 blocks for street townhouses (Blocks 14-18), 1 block for commercial development (Block 23), 2 blocks for 0.3 m reserves (Blocks 24-25), and 3 streets identified as Street "A", Street "B" and DiCenzo Drive Extension, attached as APPENDIX "A".

(ii) That the Owner establish the following Streets to their full width and that these lands be conveyed to the City of Hamilton prior to registration of the final plan of subdivision to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department:

1. Regina Drive from Upper James Street to the extension of DiCenzo Drive;

2. DiCenzo Drive be established and constructed northerly from Regina Drive to connect to the existing DiCenzo Drive;

3. Street "A" from the DiCenzo Drive Extension to the south-easterly limits of the draft plan; and,

4. Street "B" from the southerly limits of the draft plan to Street "A".

(iii) That the applicant/owner purchase lands shown as Parts 1 and 4, on Reference Plan 62R-12942, from the City of Hamilton and fulfil all the conditions of Offer to Purchase as stated in Item No. 27 of the 5th Report of the Transport and Environment Committee approved by City of Hamilton Council on April 11, 1995 prior to registration of the first phase of development.

(iv) That Parts 1 and 4 on Reference Plan 62R-12942 be developed only in conjunction with lands at Nos. 1451 and 1471 Upper James Street and that Parts 1 and 4 on Reference Plan 62R-12942 be included in the final plan of subdivision for "James Mount Gardens".

(v) That the applicant/owner pay to the City of Hamilton and/or the Regional Municipality of Hamilton-Wentworth one-half of the costs for the construction of

Regina Drive adjacent to Parts 1 and 4 on Reference Plan 62R-12942 excluding oversizing costs.

(vi) That the extension of DiCenzo Drive align centreline to centreline with DiCenzo Drive as established by Plan 62M-689 at the north end and Parts 2 and 4 on Reference Plan 62R-12821 at the south end of the draft plan.

(vii) That the construction of Regina Drive from Upper James Street to DiCenzo Drive to its full width must be included in the first phase of development of this draft plan and the construction of DiCenzo Drive from Regina Drive to the existing DiCenzo Drive at the north limits of the draft plan must be included with the first phase of development which includes any residential development.

(viii) That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of the subject lands.

(ix) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

(x) That the owner prepare and submit a phasing plan to the satisfaction of the Manager, Traffic Planning, Department of Public Works and Traffic and the Commissioner, Regional Environment Department.

(xi) That Streets "A" and "B" be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(xii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan.

(xiii) That the final plan conform with the Zoning By-law approved under the Planning Act.

(xiv) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan.

(xv) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

(xvi) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.

(xvii) That the applicant prepare and implement an erosion and sediment control plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the City of Hamilton. The approved plan will include the following:

1. All erosion and sediment control measures shall be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;

2. All erosion and sediment control measures shall be inspected after each rainfall and maintained to the satisfaction of the Authority Engineer;

3. Any disturbed area not scheduled for further construction within 45 days shall be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction;

4. All disturbed areas shall be revegetated with permanent cover immediately following completion of construction.

(xviii) That the applicant prepare and implement a storm water management plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the City of Hamilton. This plan shall address water quality and quantity issues in accordance with current provincial guidelines and will ensure that post developments flows will equal pre-development levels.

(xix) That the Owner merge in title Blocks 19, 20, and 21 with Block 5 of Registered Plan 62M-689, to the satisfaction of the Director, Planning and Development Department and the City Solicitor.

(xx) That the Owner merge in title Block 22 with Lot 19 of Registered Plan 62M-689, to the satisfaction of the Director, Planning and Development Department and the City Solicitor.

(xxi) That the Owner merge in title Block 26 with Block 52 of Registered Plan 62M-689, to the satisfaction of the Director, Planning and Development Department and the City Solicitor.

(xxii) That the Owner agree in writing that Blocks 27 to 30, inclusive, will be developed in conjunction with the abutting lands.

(xxiii) That Blocks 27 to 30, inclusive, and Lot 5 not be registered until such time as Aquasanta Crescent has been extended southerly to provide road frontage for the development of Blocks 27 to 30, inclusive, to the satisfaction of the Director, Planning and Development Department and the City Solicitor.

(xxiv) That the owner shall carry out an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading or other soil disturbances shall take place on the subject property prior to the City of Hamilton and the Ministry of Citizenship, Culture and Recreation confirming that all archaeological resources concerned have met licensing and resource conservation requirements.

B. That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-91007(R)), 900074 Ontario Inc., owner, revised draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

C. That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

D. That approval be given to amended Zoning Application 97-24, 900074 Ontario Inc. Setay Investment c/o Mr Gordon Albini, owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District modified, for Blocks "1" & "3"; from "C" (Urban Protected Residential, etc.) District to "RT-30" (Street-Townhouse) District, for Block "2"; and from "RT-30" (Street-Townhouse) District to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District modified, for Block "4", to permit development of the subject lands for Two Family Dwellings (Blocks "1", "3" and "4") and Street Townhouses (Block "2") for the property located at the rear lands of 1451-1471 Upper James Street and south east of DiCenzo Drive, shown on the attached map marked as APPENDIX "B", on the following basis:

(i) That Blocks "1" & "3" be rezoned from "C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District;

(ii) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-30" (Street-Townhouse) District;

(iii) That Block "4" be rezoned from "RT-30" (Street-Townhouse) District to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District;

(iv) That the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to Blocks "1", "3" and "4" be modified to include the following variance as a special provision:

(a) That notwithstanding Section 10.(4)(ii), a two family dwelling shall provide and maintain a lot width of at least 16.0 m and an area of at least 515.0 m^2;

(v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S- , and Blocks "1", "3" and "4" on Zoning District Map E-9D be notated S- ;

(vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9D for presentation to City Council;

(vii) That the approved Ryckmans Neighbourhood Plan be amended by realigning the road pattern and redesignating Block "2" from "SINGLE AND DOUBLE RESIDENTIAL" to "ATTACHED HOUSING", and Block "4" from "ATTACHED HOUSING" to "SINGLE AND DOUBLE RESIDENTIAL" upon finalization of the implementing By-law;

(viii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the by-law is to provide for changes in zoning for lands located at the rear of 1451-1471 Upper James Street and south east of DiCenzo Drive in accordance with the proposed Plan of Subdivision "James Mount Gardens" (Regional File 25T-91007(R)), as shown on the attached map marked as APPENDIX "B", on the following basis:

Blocks "1" & "3" - From "C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District modified;

Block "2" - From "C" (Urban Protected Residential, etc.) District to "RT-30" (Street-Townhouse) District;

Block "4" - From "RT-30" (Street-Townhouse) District to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District modified.

The effect of the by-law is to permit the future development of the lands as follows:

Blocks "1", "3", and "4" - Two Family Dwellings; and,

Block "2" - Street Townhouses.

In addition, the By-law provides for the following variance as a special requirement:

- permits a lot width of at least 16.0 m and an area of at least 515.0 m^2 for a two family dwelling whereas a lot width of at least 18.0 m and an area of at least 540.0 m^2 is required (Blocks "1", "3", and "4").

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The applicant is requesting a rezoning for lands located at the rear of 1451-1471 Upper James Street and south east of DiCenzo Drive (Appendix "B" - Blocks "1", "2", "3", and "4"). The purpose of the application is to permit the future development of the lands for Two Family Dwellings on Blocks "1", "3" and "4" and Street Townhouses on Block "2" of the subject lands (See APPENDIX 'A').

  The applicant has amended the 1991 subdivision application with the Region for draft plan approval of James Mount Gardens Subdivision, 25T-91007, which shows an altered road pattern and lots. The previous draft plan of subdivision was submitted to the Region in 1991, however never went forward for approval.

- ZA-90-13

  The Planning and Development Committee, and City Council at their meetings of September 19, 1990, and September 25, 1990, respectively, approved Zoning Application 90-13, to permit future development of the lands, known as 1451, 1459, 1465, and 1469 Upper James Street, as a neighbourhood shopping centre in conjunction with the adjoining lands to the south, and single-family dwellings to the east.

- ZAC-95-10 - For lands fronting Upper James Street north of mid-block collector

The Planning and Development Committee, and City Council at their meetings of July 5, 1995, and July 11, 1995, respectively, approved Zoning Application 95-10, to permit future development of the lands, known as 1451-1471 Upper James Street, for a retail commercial plaza on the east side of Upper James Street at the mid Block collector (i.e. Regina Drive).

Approval was granted and the lands placed in a holding provision which prohibits the development of the subject lands until:

a) installation of municipal storm and sanitary sewers, and water services for Block "3" (now known as Blocks "14" and "15" on "revised" draft plan for James Mount Gardens Subdivision, 25T-91007) of the subject lands as the City deems necessary; and,

b) the applicant/owner has applied for and received approval of a Site Plan Control Application from the City of Hamilton for Blocks "1" & "2" (now known as Block "23" on "revised" draft plan for James Mount Gardens Subdivision, 25T-91007).

By-law 95-182 was passed by City Council on September 26, 1995 and subsequently appealed to the Ontario Municipal Board. The O.M.B. dismissed the appeal, thus By-law 95-182 came into effect on July 4, 1996.

- DA-97-30 - 1441 to 1477 Upper James Street for lands fronting Upper James Street north of mid-block collector

A Site Plan Control Application has been received for commercial retail development of Blocks "1" & "2" (now known as Block "23" on "revised" draft plan for James Mount Gardens Subdivision, 25T-91007). The application has been circulated for review, however has yet to receive approval.

LOT SIZE AND AREA:

- 100.50 m (329.72 ft.) of lot width fronting on the future extension of Dicenzo Drive;
- 201.65 (661.59 ft.) of lot depth, approximately; and,
- 20,265.80 m^2 (5.0 acres) of lot area.

APPLICANT:

900074 Ontario Inc. Setay Investments c/o Mr Gordon Albini, owner.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"C" (Urban Protected Residential, etc.) District
Surrounding Lands		
to the north	Vacant and Street Townhouses	"RT-30" (Street- Townhouse) District
to the east	Single Family Dwellings	"C" (Urban Protected Residential, etc.) District
to the west	Vacant	"RT-30" (Street- Townhouse) District
to the south	Vacant	"AA" (Agricultural) District

OFFICIAL PLAN:

The lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept to the Official Plan. The following policies should be noted:

"2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

Subsection C.7 - Residential Environment and Housing Policy

"7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;

7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;

ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents;"

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The approved Ryckmans Neighbourhood Plan designates the subject lands "SINGLE AND DOUBLE RESIDENTIAL", Blocks "1", "2" and "3", and "ATTACHED HOUSING", Block "4". If approved, the following Neighbourhood Plan amendments are required:

Block "2" - from **"SINGLE AND DOUBLE RESIDENTIAL"** to **"ATTACHED HOUSING"**;

Block "4" - from **"ATTACHED HOUSING"** to **"SINGLE AND DOUBLE RESIDENTIAL".**

The proposal also includes the realignment of the road pattern on a north/south axis whereas the streets on the approved Ryckmans Neighbourhood Plan were designed on the basis of solar access and are aligned on an east-west axis (See Appendix "C").

RESULTS OF CIRCULARIZATION:

- Union Gas has no comment or objection to the proposal.

- The Regional Environment Department has advised :

"1. We recommend that prior to the construction of any further development on DiCenzo Drive, south of Stone Church Road that a second street access be provided to this development from Upper James Street. As a condition of development approval we recommend that Regina Drive be constructed to its full width from Upper James Street to DiCenzo Drive and that DiCenzo Drive be established and constructed northerly from Regina Drive to connect to existing DiCenzo Drive.

2. In order to ensure that this requirement is met, the lands to be zoned should either be placed in a Holding Zone or as a condition of approval, the lands must be developed through a satisfactory plan of subdivision with the phasing of the subdivision development to be to the satisfaction of the City of Hamilton Department of Public Works and Traffic and the Commissioner of the Regional Environment Department.

3. The subdivision plan submitted with this application indicates that the street pattern will be changed from the approved Ryckmans Neighbourhood Plan. As these changes affect the development of adjacent lands outside of this application, we recommend that the changes to the plan be circularized to the adjacent owners and that the neighbourhood plan be amended by the appropriate Committee and Council."

We have the following comments and recommendations for the revised draft plan of subdivision known as "James Mount Gardens" as submitted with your letter of June 20, 1997.

1. That the applicant/owner purchase lands shown as Parts 1 and 4, on Reference Plan 62R-12942, from the City of Hamilton and fulfil all the conditions of Offer to Purchase as stated in Item No. 27 of the 5th Report of the Transport and Environment Committee approved by City of Hamilton Council on April 11, 1995 prior to registration of the first phase of development.

2. That Parts 1 and 4 on Reference Plan 62R-12942 be developed only in conjunction with lands at Nos. 1451 and 1471 Upper James Street and that Parts 1 and 4 on Reference Plan 62R-12942 be included in the final plan of subdivision for "James Mount Gardens".

3. That the applicant/owner pay to the City of Hamilton and/or the Regional Municipality of Hamilton-Wentworth one-half of the costs for the construction of Regina Drive adjacent to Parts 1 and 4 on Reference Plan 62R-12942 excluding oversizing costs.

4. That the extension of DiCenzo Drive align centreline to centreline with DiCenzo Drive as established by Plan 62M-689 at the north end and Parts 2 and 4 on Reference Plan 62R-12821 at the south end of the draft plan.

5. That either the Ryckmans Neighbourhood Plan be revised to reflect the road pattern in the approved draft plan or the road pattern on this subdivision be revised to reflect the current approved Ryckmans Neighbourhood plan.

6. That the construction of Regina Drive from Upper James Street to DiCenzo Drive to its full width must be included in the first phase of development of this draft plan and the construction of DiCenzo Drive from Regina Drive to the existing DiCenzo Drive at the north limits of the draft plan must be included with the first phase of development which includes any residential development.

7. That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of the subject lands.

The submitted plan as prepared by B.A. Jacobs, O.L.S. dated May 7, 1997 is satisfactory to the Regional Environment Department subject to the above noted comments and recommendations.

Furthermore, the application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. Since the subject lands has potential for archaeological remains, the application falls within the parameters of the PPS, the standard archaeological condition of approval shall be applied to the revised draft plan subdivision.

- The Building Department has advised :

"1. Lots 1-13 require minimum lot widths of 18.0m and minimum lot areas of 540.0 m^2. Most of the lots do not provide the minimum lot widths and the lot areas are not indicated to determine compliance.

2. Blocks 14 and 15 are currently zoned RT-30 "H"/S-1342 and no development shall be permitted until such time as the municipal storm and sanitary sewers and water

services are installed and the "H" - Holding Symbol is removed by an amending by-law.

3. The information on the draft plan is insufficient to determine if the Blocks are sufficient to comply with the RT-30 provisions. Blocks 16, 17 and 18 will be reviewed for compliance at the Site Plan Control approval process.

4. Blocks 19, 20 and 21 are for future development with adjoining lands and will be commented on at a later date.

5. Block 23 is currently zoned G-"H"/S-1342 and no development is permitted until the municipal storm and sanitary sewers and water services are installed and the "H" - Holding Symbol is removed by an amending By-law."

- The Department of Public Works and Traffic Has advised:

"With reference to the submitted plan of subdivision, we would be prepared to support an amendment to the approved neighbourhood plan to modify the road pattern. It may be appropriate to review the designation of the entire block between the proposed street "A" and the east-west roadway to the south as part of the neighbourhood review.

Assuming that the neighbourhood plan amendment is approved, the application for a change in zoning to permit the proposed residential development is satisfactory. However, we recommend that as a condition of approval, Regina Drive and the southerly extension of DiCenzo Drive be established and constructed to their full width prior to any development occurring on these lands."

- The Hamilton Region Conservation Authority advised that:

"1. That the applicant prepare and implement an erosion and sediment control plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority. The approved plan will include the following:

   a. All erosion and sediment control measure shall be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;

   b. All erosion and sediment control measures shall be inspected after each rainfall and maintained to the satisfaction of the Authority Engineer;

c. Any disturbed area not scheduled for further construction within 45 days shall be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction;

d. All disturbed areas shall be revegetated with permanent cover immediately following completion of construction.

2. That the applicant prepare and implement a storm water management plan for the subject property. This plan shall address water quality and quantity issues in accordance with current provincial guidelines and will ensure that post developments flows will equal pre-development levels."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.

2. The proposal if approved, would require the following Neighbourhood Plan amendments:

- Block "2" - from "Single and Double Residential" to "Attached Housing"; and;

- Block "4" - from "Attached Housing" to "Single and Double Residential", upon finalization of the implementing By-law.

The proposal also includes the realignment of the road pattern on a north/south axis whereas the streets on the approved Ryckmans Neighbourhood Plan are designed on the basis of solar access and are aligned on an east-west axis. The realignment of the road pattern will improve pedestrian and vehicular circulation within this portion of the neighbourhood (See Appendix "C").

3. The proposal has merit and can be supported for the following reasons:

i) the rezoning and plan of subdivision will establish a gradation of density from the collector road towards the interior of the neighbourhood. The location of the townhouses is adjacent to the collector road with the density of development decreasing towards the interior of the neighbourhood;

ii) The proposed realignment of the internal road system provides for better traffic and pedestrian movement to the interior of the neighbourhood. The street system, in changing from an east-west cul-de-sac to north-south streets, provides for more direct connections to the neighbourhood amenities including parks and schools;

iii) The proposed realignment of the internal road system allows for more orderly development of this section of the neighbourhood. In particular, the current application can proceed to development without requiring any additional land or road construction from adjoining landowners. This will facilitate the development of the remainder of the neighbourhood, in the southerly direction, as the collector road, and services, will be established from Upper James Street;

iv) The proposal establishes compatibility among land uses. In particular, the location of the townhouse units and the semi-detached dwellings achieve a compatibility with existing uses (to the north) and future intended uses (to the south and east).

4. The Building Department has reviewed the revised draft plan of subdivision (see Appendix "A") and has advised the development will require the following variances as special requirements:

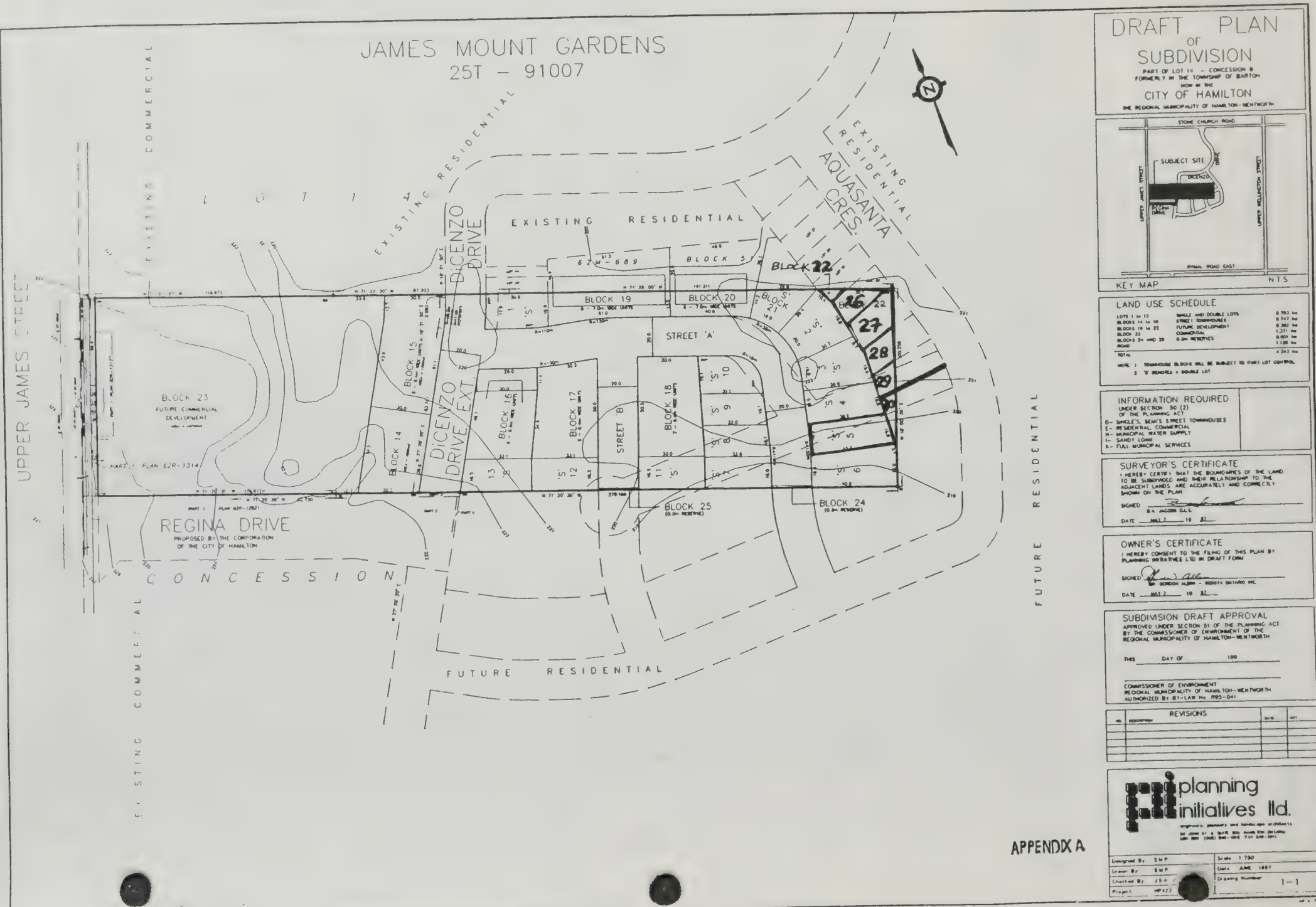
Lot Width and Area

The lot width and area proposed for Blocks "1", "3" and "4" will be at least 16.0 m and an area of at least 515.0 m^2 for a two family dwelling whereas a lot width of at least 18.0 m and an area of at least 540.0 m^2 is required. The reduced lot width can be supported as the reduction in width is minor in nature. Furthermore, the proposed plan of subdivision provides for deeper lots than are normally built (31-33 + m vs 30 m). The increased lot depth will provide for more outdoor area in the rear yard for the property owner. It should be noted that the smallest lot is 515.0 m^2 in area and the average for all lots is 578.0 m^2.

CONCLUSION:

Based on the foregoing, the application can be supported.

:mlt
ZAC9724



DRAFT PLAN OF SUBDIVISION

PART OF LOT 14 – CONCESSION B
FORMERLY IN THE TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
THE REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH

KEY MAP NTS

LAND USE SCHEDULE

LOTS 1 to 13	SINGLE AND DOUBLE LOTS	0.783 ha
BLOCKS 14 to 18	STREET TOWNHOUSES	0.747 ha
BLOCKS 19 to 22	FUTURE DEVELOPMENT	0.382 ha
BLOCK 23	COMMERCIAL	1.371 ha
BLOCKS 24 AND 25	0.3m RESERVES	0.001 ha
ROAD		1.138 ha
TOTAL		4.342 ha

NOTE: 1 TOWNHOUSE BLOCKS WILL BE SUBJECT TO PART LOT CONTROL.
2 'S' DENOTES A DOUBLE LOT

INFORMATION REQUIRED
UNDER SECTION 50 (2)
OF THE PLANNING ACT

B– SINGLE'S, SEMI'S STREET TOWNHOUSES
E– RESIDENTIAL, COMMERCIAL
M– MUNICIPAL WATER SUPPLY
T– SANDY LOAM
R– FULL MUNICIPAL SERVICES

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN ON THE PLAN

SIGNED _____
B.A. JACOBS O.L.S.

DATE MAY 7 19 87

OWNER'S CERTIFICATE

I HEREBY CONSENT TO THE FILING OF THIS PLAN BY PLANNING INITIATIVES LTD IN DRAFT FORM

SIGNED _____
I.W. GORDON ALLEN – DUDLEY ONTARIO INC.

DATE MAY 7 19 87

SUBDIVISION DRAFT APPROVAL

APPROVED UNDER SECTION 51 OF THE PLANNING ACT BY THE COMMISSIONER OF ENVIRONMENT OF THE REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH

THIS _____ DAY OF _____ 19__

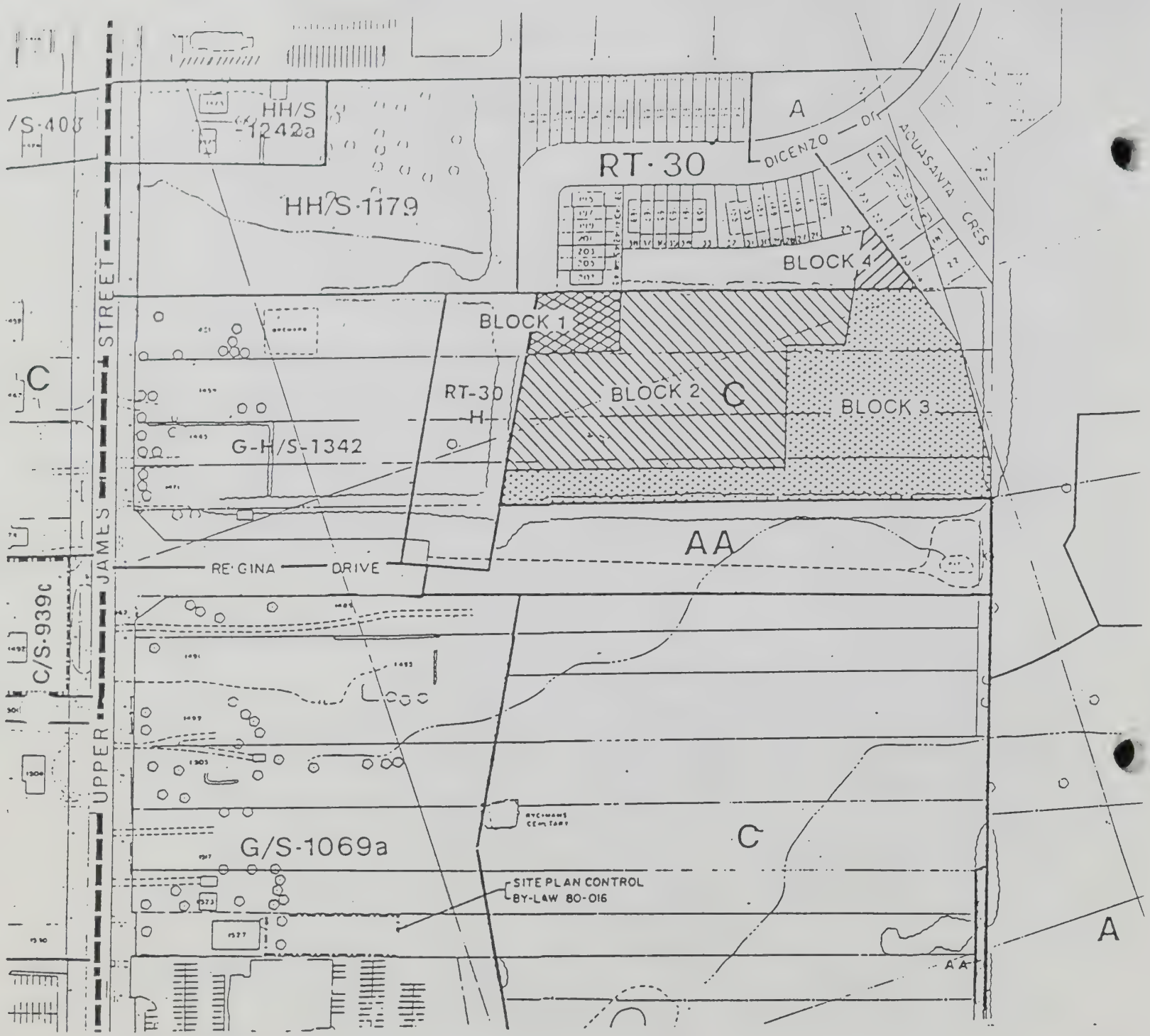
_____
COMMISSIONER OF ENVIRONMENT
REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH
AUTHORIZED BY BY-LAW No. 1985-041

REVISIONS			
NO.	DESCRIPTION	BY	DATE

planning initiatives ltd.
engineers, planners and landscape architects
80 ACTON ST. S. SUITE 300, HAMILTON, ONTARIO
L8N 2W8 (416) 546-1010 FAX 546-1011

Designed By S.M.P.	Scale 1:750
Drawn By S.M.P.	Date JUNE 1987
Checked By J.B.A.	Drawing Number 1–1
Project MP423	

APPENDIX A



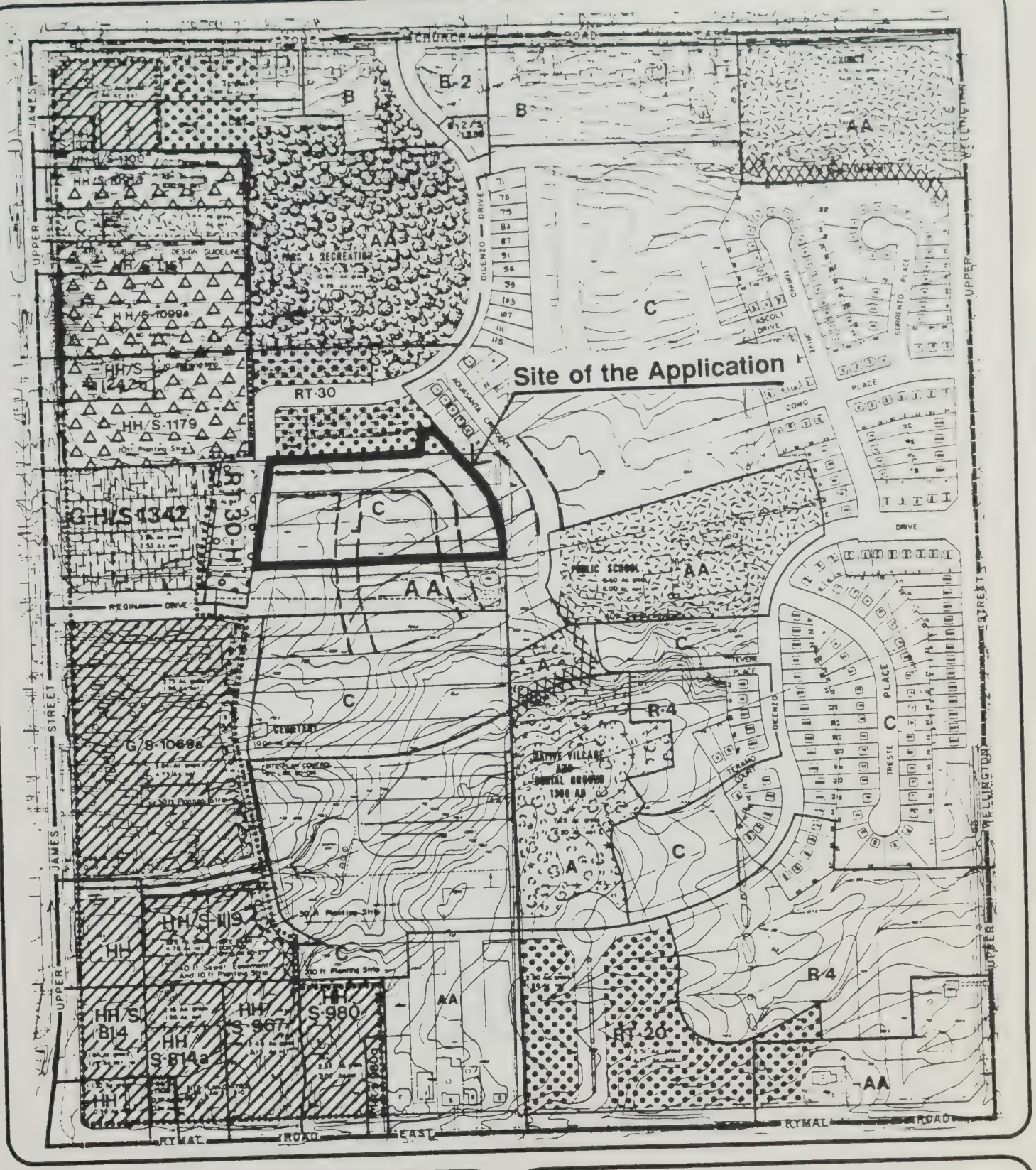
Legend

Proposed change in zoning from:

BLOCK 1	"C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential - One and two Family Dwellings, etc.) District, Modified.
BLOCK 2	"C" (Urban Protected Residential, etc.) District to "RT-30" (Street - Townhouse) District.
BLOCK 3	"C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential - One and two Family Dwellings, etc.) District, Modified.
BLOCK 4	"RT-30" (Street - Townhouse) District to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Modified.

ZAC-97-

APPENDIX B



City of Hamilton
Location Plan For

Appendix C

Planning and Development Department

Legend

Proposed change in road pattern

Approved road pattern

North	Scale	
	Not to Scale	
	Date	Drawn By
	JAN 1998	D. L.

Appendix C

2(b)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 January 14
(CI 97-D/SAC 97-06)

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P, R.P.P.,
Director, Planning and Development Department

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Rezoning Application and Plan of Subdivision - Lands north of Mud Street, East of Mount Albion Road, west of the Municipal Boundary

RECOMMENDATIONS:

A) That approval be given to Subdivision Application SAC-97-06 (Regional File No. 25T-97013), City of Hamilton, owner, to establish a draft plan of subdivision "Albion Mills Estates" for 92 lots for single-family dwellings, 1 block to be added with adjacent lands, and to construct 3 streets, for lands located north of Mud Street, east of Mount Albion Road and west of the municipal boundary, as shown on the attached map marked as APPENDIX "A", subject to the following conditions:

i) That this approval apply to the plan, prepared by Regional Municipality of Hamilton-Wentworth and certified by Kin Lau, O.L.S., dated August 7, 1997, as red line revised, showing 92 lots for single detached dwellings, and 1 Block;

ii) That the owner implement the preferred solution of the Montgomery Creek Stormwater Management Class Environmental Assessment to the satisfaction of the Commissioner of the Regional Environment Department.

iii) That a 2.0 metre x 2.0 metre daylight triangle be established on the corner lot on all "L" shaped streets.

iv) That Lots 1 to 7, inclusive not be developed until such time as the existing creek is relocated or is no longer required for drainage purposes to the satisfaction of the Commissioner of the Regional Environment Department.

v) That Lots 1 to 7, inclusive, not be developed until such time as a noise feasibility study is submitted to the satisfaction of the Commissioner of Regional Environment Department and prepared by a qualified professional. The noise study is to contain an investigation of the noise levels impacting the proposed development, and the necessity for noise control measures.

Should the noise feasibility study demonstrate the potential for significant noise impacts, submission to the satisfaction of the Region of a detailed acoustical report prepared by a qualified professional, with said report containing the recommended noise control measures.

vi) That a physical barrier which prevents vehicular access to the City owned lands, external to the plan, be provided, at the cost of the developer, along Kingsview Drive on or adjacent to the City owned lands. The design and the construction is to be to the satisfaction of the City Engineer.

vii) That the Developer provide a 3.0 m wide granular trail between Kingsview Drive and the storm sewer outlet at Montgomery Creek. The design and construction be to the satisfaction of the Commissioner of the Public Works and Traffic Department.

viii) That the roof leaders not be connected to the storm sewer.

ix) That a chain link fence, minimum 1.5 in height, be provided and maintained along the rear of the Lots 8 to 21 inclusive, the westerly lot line of Lot 8 and the northerly lot line of Lot 7.

x) That the final plan conform with the applicable provisions of the "B-2" (Suburban Residential, etc.) District, "C" (Urban Protected Residential, etc.) District and the "R-4" (Small Lot Single Family Dwelling) District in the City of Hamilton Zoning By-law No. 6593;

xi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the Subdivision in the Final Plan;

xii) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under section 51 of the Planning Act;

xiii) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement, prior to the issuance of a final release by the City of Hamilton;

xiv) That the streets be named to the satisfaction of the City of Hamilton and the Region of Hamilton-Wentworth;

xv) That the lot lines of Lots 17 to 23, inclusive, and Lots 33 to 36, inclusive, be revised to the satisfaction of the Manger of Traffic Planning, Public Works and Traffic Department.

xvi) That the City of Stoney Creek be requested, and agree to lifting the 0.3 m reserve on the westerly end of Kingsview Drive (Agate street) shown as Block 42 on Plan 62M-399 in order to provide street access to this subdivision through Kingsview Drive and Paramount Drive in the City of Stoney Creek.

xvii) That Lots 72 to 92 inclusive not be developed until such time as Mud Street is closed to the east, realigned to the east and this section of Mud Street reverts to a local cul-de-sac roadway.

xviii) That the streets be dedicated to the City of Hamilton as public highways in the final plan;

xix) That the owner prepare and submit a municipal street numbering plan to the satisfaction of the Director of Planning and Development Department,;

xx) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority;

xxi) That prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:

(1) That all erosion and sediment control measures be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;

(2) That the Owner provide an inspection report prepared by a qualified professional engineer of all erosion and sediment control measures after each rainfall to the satisfaction of the Manger of Development, Regional Environment Department;

(3) That any disturbed area not scheduled for further construction within 45 days be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,

(4) That all disturbed areas be revegetated with permanent cover immediately following completion of construction.

xxii) That the Owner be required to enter into a subdivision agreement with the City of Hamilton prior to development of any portion of these lands;

xxiii) That the owner agree to satisfy all the requirements, financial and otherwise, of the City of Hamilton prior to the development of any portion of the lands.

B. That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the City of Hamilton with respect to this application (SAC 97-06/25T-97013), "Albion Mills Estates", proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

C. That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of City Council's decision.

D. That approval be given to **City Initiative 97-D,** for changes in zoning from "A" (Conservation, Open Space, Park and Recreation, etc.) District to "B-2" (Suburban Residential, etc.) District for Block "1"; to "C" (Urban Protected Residential, etc.) District for Block "2" and "R-4" (Small Lot Single Family Dwelling) District, modified for Block "3", to permit the development of the subject lands for 71 large lot single-family dwellings (i.e. 15 m lot frontage - Block "1"); 11 single-family dwellings (i.e. 12 m lot frontage - Block "2"); and 10 small lot single-family dwellings (i.e. 10 m lot frontage - Block '3"), for lands located north of Mud Street, east of Mount Albion Road and west of the municipal boundary, as shown on the attached map marked as APPENDIX "B",

i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to Blocks "2" and "3" by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of the lots fronting on Mud Street until such time as Mud Street is realigned to the east and Mud Street reverts to a local cul-de-sac roadway.

Removal of the holding restriction shall be conditional upon Mud Street being realigned to the east and Mud Street reverting to a local cul-de-sac roadway. City Council may remove the 'H' symbol, thereby, giving effect to the "C" and "R-4" District provisions as stipulated in this By-law by an enactment of an amending By-law once the condition is fulfilled.

ii) That Block "1" be rezoned from "A" (Conservation, Open Space, Park and Recreation, etc.) District to "B-2" (Suburban Residential) District

iii) That Block "2" be rezoned from "A" (Conservation, Open Space, Park and Recreation, etc.) District to "C" (Urban Protected Residential, etc.) District

iv) That Block "3" be rezoned from "A" (Conservation, Open Space, Park and Recreation, etc.) District to "R-4" (Small Lot Single-Family Dwelling) District

v) That the "R-4" (Small Lot Single Detached Dwellings, etc.) District, as contained in Section 9A of Zoning By-law No. 6593, applicable to Block "3", be modified to include the following variances as special requirements:

1) That notwithstanding Section 9A.2.(b)1.(ii)B., in the case of a corner lot shall have a westerly side yard of not less than 3.0 m.

2) That notwithstanding Section 9A.2.(c)1., the corner lot shall have a minimum frontage of 13 m and all other lots shall have a minimum lot frontage of 10 m.

vi) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that Blocks "2" and "3" on Zoning District Map W-23 be notated S- ;

v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-23, for presentation to City Council;

vi) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

vii) Upon finalization of the implementing zoning by-law, the approved Albion Falls Neighbourhood Plan be revised by changing the road pattern.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for changes in zoning from "A" (Conservation, Open Space, Park and Recreation, etc.) District to "B-2" (Suburban Residential, etc.) District for Block "1"; to "C" (Urban Protected Residential, etc. - Holding) District for Block "2" and "R-4" (Small Lot Single Family Dwelling - Holding) District, modified for Block "3", for lands located north of Mud Street, east of Mount Albion Road and west of the municipal boundary, as shown on the attached map marked as APPENDIX "B".

The effect of the by-law is to permit the development of the lands for 71 large lot single-family dwellings (i.e. 15 m lot frontage - Block "1"); 11 single-family dwellings (i.e. 12 m lot frontage - Block "2"); and 10 small lot single-family dwellings (i.e. 10 m lot frontage - Block '3"),

Removal of the holding restriction shall be conditional upon Mud Street being realigned to the east and Mud Street reverting to a local cul-de-sac roadway.City Council may remove the 'H' symbol, thereby, giving effect to the "C and "R-4" District provisions as stipulated in this By-law by an enactment of an amending By-law once the condition is fulfilled.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The intent of the rezoning and subdivision applications is to identify the conditions under which residential development of this land can occur. Should the City wish to sell the lands, the conditions of draft approval and the zoning districts are known to the prospective purchaser and it will increase the revenues expected to be received by the City.

BACKGROUND:

At its meeting of June 24, 1997, Finance and Administration Committee requested the Planning and Development Committee to direct staff to submit a draft plan of subdivision and a rezoning application from "A" (Conservation, Open Space, Park and Recreation, etc.) District to "B-2" (Suburban Residential, etc.) District and "R-4" (Small Lot Single Family Dwelling) District, for the subject lands.

The intent of the rezoning and plan of subdivision was to identify the conditions of draft approval and to establish the appropriate zoning for the lands. It should be noted the Finance and Administration tabled a recommendation declaring the lands surplus.

Applicant:

City of Hamilton

Agent:

Eugene Chajka, Regional Environment Department

Surveyor:

Kin Lau, O.L.S., Region of Hamilton-Wentworth, Transportation Department.

Location:

The lands are located north of Mud Street, east of Mount Albion Road and west of the City of Hamilton/City of Stoney Creek Boundary.

Lot size and Area:

The lands are irregular in shape having a total lot area of 1.6 ha (3.95 ac.).

Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"A" (Conservation, Open Space, Park and Recreation, etc.) District
Surrounding Lands		
to the north	Open space	Under Development Control of the Niagara Escarpment Commission
to the south	vacant	"R-4" (Small Lot Single Family Dwelling) District and townhouse and small lot single family dwellings in Stoney Creek
to the east	Single family dwellings	"R2" (Single Residential) Zone
to the west	Future Red Hill Creek Expressway	"A" (Conservation, Open Space, Park and Recreation, etc.) District

***OFFICIAL PLAN*:**

The lands are designated RESIDENTIAL on Schedule "A" - Land Use Concept. The proposal complies with the Official Plan.

NEIGHBOURHOOD PLAN:

The lands are designated "Single and Double" Residential in the approved Albion Falls Neighbourhood Plan. The proposal complies with the designation. However, there is small change in the configuration of the road pattern to change the two cul-de sacs coming off Mud Street to a crescent connecting the future extension of Kingsview Drive.

RESULTS OF CIRCULARIZATION:

- The following Agencies have no comments or objections:

  - Ontario Hydro;
  - Bell Canada; and,
  - Hamilton-Wentworth Roman Catholic Separate School Board.

- The **Traffic Division** of the Public Works and Traffic Department has advised that:

  "We have no objection to the proposed change in zoning to permit the proposed residential development of single family lots.

  With reference to the submitted plan of subdivision, we recommend that the lot lines for lots 17 to 23 and 33 to 36 be modified, as shown on the attached plan, in order to avoid the potential overlapping of driveways within the road allowance.

  In addition, we recommend that as a condition of approval, the development of lots 72 to 92 be subject to the re-alignment and construction of Mud Street and the closure of Mud Street west of the subject lands being completed."

- The **Building Department** has advised that:

  "1. Lots 1-71 require a minimum lot width of 15.0m and a minimum lot area of 540m^2. It appears that many of the lots do not meet these requirements. Confirmation of lot widths and areas is required.

  2. It appears that the lots in the proposed R-4 District (Lots 72-81) may conform to the minimum average lot area of 306m^2, however, the lots do not appear to conform with respect to the minimum average lot width of 9.0m. Confirmation of lot widths and areas is required.

  3. It appears that Lots 82-92 conform with respect to the minimum lot width of 12.0m and minimum lot area 360m^2 for the proposed C District. Confirmation of lot widths and areas is required.

  4. It appears that the small strip of land at the rear of Lots 28-34 will not have sufficient frontage or lot width and is in violation of 4(3)B and the B-2 District provisions."

- The **Regional Environment Department (Planning Division)** has advised that:

"The above application **CONFORMS** with the Hamilton–Wentworth Official Plan.

REGIONAL COMMENTS: The subject lands are identified as "Urban Area", Niagara Escarpment Plan "Urban Area", and within "Environmentally Significant Area (ESA) No. 52 - Redhill Valley", in the Hamilton–Wentworth Official Plan (H.W.O.P.).

The subject lands are located within the above noted ESA. Policy C-1.1.2b of the H.W.O.P. (attached) states that proposed land use changes within or adjacent to an ESA will be referred to the Environmentally Significant Areas Impact Evaluation Group (ESAIEG) for review, and will advise Regional Environment Department staff on whether the proposal adversely affects the ESA, according to certain criteria outlines under Policy C-1.1.2a. The ESAIEG has reviewed this proposal at numerous meetings, and at it's latest meeting on October 9, 1997, advised Regional Environment Department staff of the impacts of this proposal on the affected ESA

ESAIEG advised that:

(A) with respect to the residential component:

i) & ii) the proposed development removes a substantial and valid (Carolina Wren habitat) area from the ESA. Although the loss of this specific area on its own is not considered significant with respect to the ESA's designation criteria, there is concern with the cumulative incremental loss of the ESA, and the potential for future adverse impacts.

iii) the provisions of Table 4, "Summary Of Predicted Development Effects, Recommended Mitigation & Monitoring" of the "Montgomery Creek Environmental Impact Statement (EIS), September 1997", by Dougan & Associates, and the "Albion Estates: Open Space Management Plan (OSMP), September 1997", by Dougan & Associates, should be incorporated as conditions of approval through the plan of subdivision process, and/or implemented through subdivision agreements.

(B) with respect to the hydrology component:

i) We continue to request that the SWMP be consistent with the overall Master Watershed Plan for the Red Hill Creek, particularly the effects of the drainage into Montgomery Creek from the proposed interchange in this area of the Red Hill Creek Expressway. This is needed to ensure maintenance and/or enhancement of flow regimes in the channel within or adjacent to the affected ESA (especially ESA no. 53) downstream of the proposed residential development.

ii) Any formal agreements pertaining to the SWM facility pond (s) include maintenance/monitoring for projected performance criteria, particularly since the SWM facility is on private property and physically removed from the proposed development. Since the lower section of Montgomery Creek has potential for undesirable erosion effects, there is concern for stream erosion from outfall of pipe to the downstream edge of ESA No. 53.

iii) the EIS did not identify the specific impacts of the proposed channel improvements on both ESA's.

(C) overall, for both components, the proponent;

i) submit supporting documentation for the development (e.g. grading, erosion/sediment control, stormwater management plans and/or reference to Class EA) to the Region for ESAIEG's review, to ensure compliance of the proposal with the EIS.

The Region is currently processing an application for a proposed plan of subdivision "Albion Mills Estates" (Regional File No. 25T-97013), for the subject lands.

PROVINCIAL COMMENTS: The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. Since the subject lands are adjacent to the proposed North South Section of the Red Hill Creek Expressway with potential noise impacts on residential development, and in the area of potential archaeological sites, the application requires further demonstration of how it has regard for the following PPS policies:

1. Efficient, Cost-effective Development and Land Use Patterns

1.1 Developing Strong Communities

1.1.3 Long term economic prosperity will be supported by:

g) planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities) and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants.

2.5 Cultural Heritage and Archaeological Resources

2.5.2 Development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site will be permitted.

These policies can be addressed by through conditional approval of the proposal and submitting the appropriate documentation for review and endorsement by the affected agencies.

CONCLUSION:

Approval of these applications be conditional upon the following:

1) Adherence to the advice of the Environmentally Significant Area Impact Evaluation Group (ESAIEG), as stated in their Minutes dated October 9, 1997, and as endorsed by ESAIEG at its next meeting.

2) Submission to the satisfaction of the Region of a noise feasibility study prepared by a qualified professional, with said study containing an investigation of the noise levels impacting the proposed development, and the necessity for noise control measures.

Should the noise feasibility study demonstrate the potential for significant noise impacts, submission to the satisfaction of the Region of a detailed acoustical report prepared by a qualified professional, with said report containing the recommended noise control measures.

3) The proponent shall carry out an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading or other soil disturbances shall take place on the subject property prior to the approval authority and the Ministry of Citizenship, Culture & Recreation confirming that all archaeological resources concerns have met licensing and resource conservation requirements.

- The **Regional Environment Department (Development Division)** has advised that:

"1. The owner must satisfy all requirements, financial and otherwise of the City of Hamilton prior to the development of any portion of these lands.

2. The owner must enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands.

3. That the owner implement the preferred solution of the Montgomery Creek Stormwater Management Class Environmental Assessment to the satisfaction of the Commissioner of the Regional Environment Department.

4. That a 2.0 metre x 2.0 metre daylight triangle be established on the corner lot on all "L" shaped streets.

5. That Lots 1 to 7, inclusive not be developed until such time as the existing creek located or is no longer required.

6. That a physical barrier which prevents vehicular access to the City owned lands external to the plan, be provided, at the cost of the developer, along Kingsview Drive on or adjacent to the City owned lands. The design and the construction be to the satisfaction of the City Engineer.

7. That the roof leader not be connected to the storm sewer.

8. That the Developer provide a 3.0 m wide granular trail between Kingsview drive and the storm sewer outlet at Montgomery Creek. The design and construction be to the satisfaction of the Commissioner of the Public Works and Traffic Department.

9. That a minimum 1.5 m chain link fence be provided along the rear of the Lots 8 to 27 inclusive.

Information:

1. The H.S.R. has commented that the draft plan is acceptable. The H.S.R. does not anticipate any bus service to this development at this time. Transit service operates on Paramount Drive with existing bus stops located at Paramount and Kingsview. The incorporation of concrete sidewalks is a definite asset for pedestrians accessing transit.

   The Plan meets H.S.R. walking distance guidelines of 400 metres to an existing bus stop.

The submitted plan, as prepared by Mr Kin Lau, O.L.S., and dated August 7, 1997, is satisfactory to the Regional Environment Department, subject to the above comments and recommendations."

- The **Transportation Department** has further advised that:

"**Information:**

1) That the design, location and construction of a temporary construction access to Mud street be to the satisfaction of the Commissioner of Transportation.

2) Should street "A" (Kingsview Drive) be connected to Mud street, prior to Mud Street being closed and reverting to a local cul-de-sac roadway, the owner must implement the recommendations of a traffic study for the intersection design and construct all roadway improvements on Mud Street to the satisfaction of the Commissioner of Transportation."

- The **Niagara Escarpment Commission** has advised that:

"1. A detailed Stormwater Management Plan shall be submitted for the approval of the Niagara Escarpment Commission. The plan will give indication of how stormwater is to be conveyed both on and off the parcel with the objective being to minimize impact on the Escarpment environment.

2. A detailed Subdivision Lot Grading Plan with details concerning Sedimentation and Erosion Controls shall be submitted for the approval of the Niagara Escarpment Plan.

3. A Landscape Plan shall be submitted for the approval of the Niagara Escarpment Commission. Tree plantings shall reflect the native species found in the area.

4. The developer shall undertake a Noise Impact Study to assess future impact of noise from the North-South Freeway on the development of the subdivision and, identify noise mitigation measures to the satisfaction of the Ministry of Environment and Energy."

- The **City of Stoney Creek** advises:

"The City considers the approval of the draft plan of subdivision known as Albion Mills Estates and Zoning By-law Amendment to be premature until the traffic planning issues in this area have been addressed."

- The **Hamilton Region Conservation Authority** has advised that:

"1. That the applicant prepare and implement an Erosion and Sediment Control Plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority. The approved plan will include the following:

a) That all erosion and sediment control measure be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;

b) That all erosion and sediment control measures be inspected after each rainfall and maintained to the satisfaction of Authority staff;

c) That any disturbed area not scheduled for further construction within 45 days be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction;

d) That all disturbed areas be revegetated with permanent cover immediately following completion of construction; and,

2. That a legal agreement between the Owner, Developer and the Region be prepared that will ensure adequate stormwater management is in place prior to the release of the subdivision lots.

Removal of vegetative cover combined with the construction of the subdivision may increase erosion and sedimentation both on and off the subject property. In this regard, an erosion and sediment control plan should be prepared and implemented for the subject property to the satisfaction of the Hamilton Region Conservation Authority.

A proposal is being considered that would include moving stormwater management for this development onto lands below the escarpment. Authority staff are concerned that lot development may proceed before adequate stormwater management techniques have been implemented. In this regard, staff request that a legal agreement between the Owner, Developer and the Region be prepared that will ensure adequate stormwater management is in place prior to the release of the subdivision lots."

- **Canada Post Corporation** has advised that:

"After a review of the attached site plan, the community mailbox locations have been selected at the flankage of the following building lots:

Lots #13 and #48

Because the Community Mailboxes are accessible to the residents twenty-four (24) hours a day, it is suggested the CMB site could be part of considerations when planning the street light locations for the subdivision."

COMMENTS:

1. The proposal complies with the Official Plan and the approved Albion Falls Neighbourhood Plan (with the exception of the minor road pattern change).

2. The proposal can be supported for the following reasons:

   a) it is compatible with the surrounding existing and future land uses to the east and south which are comprised of large lot single-family dwellings (to the east) and small lot single-family dwellings (to the south).

   b) it provides for a mix of lot frontages for single family dwellings ranging from 17 m and 1,242 m^2 (59 ft. and 0.3 ac.) to 10 m and 310 m^2 (32 ft. and 0.08 ac).

   c) the lands have been designated in the Official Plan and the approved Albion Falls Neighbourhood Plan for residential purposes since 1982. Therefore, open space/parks is not considered as an option for this site. However, the lands to the north of this site are designated for open space.

3. The staff of City of Stoney Creek has suggested red-line revisions to the plans as follows:

   - **Eight of nine corner lots should be 16.5 in width**. There are nine corner lots of which 4 are 17 m and four lots are 15 m. The Department feels the 15 m are adequate. By requiring 16.5 m lots the lot frontage of other lots would be reduced to 14 m which is less than the zoning by-law requirement of 15 m. It should be noted the ninth corner lot (corner of Mud Street and Kingsview Drive) has been redlined to have a lot frontage of 13 m with a 3 m westerly side yard.

   - **The corner lots have a radius of 4.5 m.** The Roads Department has reviewed the Plan and finds it not necessary to include radius' for all the lots. However, a condition has been placed in the subdivision requiring 2m x 2m daylight triangles on corner lots of "L" shaped streets. In addition, from the property owners perspective, the radius' are more difficult to establish than day light triangles.

   - **The radius of the cul-de sac bulb is to be 16.25 m.** This revision can be accommodated.

4. The City of Stoney Creek Council has identified the following traffic planning concerns.

   - **Traffic Light at Winterberry and Mud Streets.** The City of Hamilton Public Works and Traffic Department undertook traffic surveys in December 1997. Based on the existing volumes of traffic at this intersection, signals are warranted at the present time. However, the traffic light would be temporary until such time as Mud Street is closed and reverts to a local road. Inclusion of this signal has been recommended for the 1998 Regional traffic signals budget but has not been

approved by Regional Committee or Council, to date. **The need for this signal is an existing situation and is not a result of the proposed plan of subdivision.**

- **Extension of Kingsview Drive (formerly Agate Street)**

History: For the information of the Committee, the Consolidated Board approved the design of the north/south portion of the freeway which included the provision of an overpass connection at Kingsview Drive (see APPENDIX "C"). The original Neighbourhood Plan for the Albion Falls Neighbourhood envisaged this connection, as well. In 1989, both Regional and City of Stoney Creek Councils approved a redesign of the freeway to remove the overpass connection at Kingsview Drive and to provide a connection to the south at Paramount Drive.

It should be noted that residential development, east of the City of Hamilton municipal boundary, received draft approval and subsequently was developed prior to the overpass connection being removed. In this regard, potential purchasers of these homes should have been aware that Kingsview Drive would be a major collector road. However, since the connection was removed, the street reverted from a major collector road to a local road and the anticipated volume of traffic was reduced considerably from what was originally planned.

Future Extension: The long term intent is that Kingsview Drive is to be extended to connect with Mud Street. However, it is recommended this connection should **not** be provided until such time as Mud Street reverts to a local road. At the present time, the introduction of another permanent connection to Mud Street will impact the function of Mud Street. If Kingsview Drive was to be connected left turn lanes would have to be provided on Mud Street to accommodate the turning movements. These lanes would be a temporary measure as they would not be required once Mud Street is a local road. Since the roadway improvements on Mud Street are temporary measures, all costs associated with the construction of the left turn lanes, utility relocation, intersection construction, the possible construction of interim storm sewers to accommodate ditch drainage as required, and any other road works associated with this development will be at the sole expense of the owner. These roadworks must be advertised in accordance with the Municipal Act and a Road Alteration By-law must be passed by Regional Council.

From a traffic perspective, the connection of Kingsview Drive to Mud Street is not necessary in the short term, since traffic volumes can be handled on the existing Kingsview Drive and there would be no intersection improvements required at Winterberry and Mud Streets, provided it is signalized. The proposed 71 single detached units (excludes units on Mud Street and the west side of Kingsview) would generate 64 trips in the a.m. peak hour (14 in and 50 out) and 72 in the p.m peak hour (47 in and 25 out). This traffic would have a minimum effect on the intersection of Mud Street and Winterberry Drive/Paramount Drive, assuming the intersection is signalized.

- **Construction Access onto Mud Street**

  Similar to other subdivisions, a temporary construction access can be provided from Mud Street to avoid construction vehicles going through the interior of the existing residential neighbourhood. This access, if required and approved, must be designed and constructed at a location satisfactory to the Regional Transportation Department.

  The standard Hamilton practice is to allow not more than 100 residential units on one street access on a temporary basis.

  The establishment of this access will be included as Regional conditions in the draft plan approval.

The installation of the traffic signal at Mud and Winterberry Streets; the inclusion of a regional condition relating to the construction access; and, the minimal impact of trip generation on the existing Kingsview Drive will address the traffic concerns expressed by the City of Stoney Creek. On this basis, the subdivision is **not** considered to be premature and can proceed.

5. The lands are designated "Environmentally Significant" in the Hamilton-Wentworth Official Plan. The proposed Plan of Subdivision was presented to the Environmentally Significant Area Evaluation Impact Group (ESAIEG) on 3 occasions. ESAIEG does not object to the Plan of Subdivision provided a number of conditions are fulfilled. These conditions have been incorporated into the draft plan of subdivision as conditions ii), iv), vi) to ix), inclusive, and xxi).

6. As part of the planning for the development a Class Environmental Assessment for Stormwater Management was undertaken which included this site as well as two others. The Class EA was approved in September 1997. The recommended storm water management solution is the construction of two ponds on the Glendale Golf course, as well as improvement to the existing channel.

   At the present time, there is an intermittent stream that runs across proposed lots 1 to 7. Until such time as this stream is not required or is relocated, these lands should not be developed. The issues of the stream will be dealt with as part of the Red Hill Creek Expressway design.

7. In response to the NEC's condition for a landscape plan, the subdivision agreement requires that securities are taken to provide for the planting of trees on the road allowance - one tree for every lot and one tree for every 15 m of flankage. The City Horticulturist plants the trees and there are species available for planting which are native species.

8. With respect to the noise study, one of the draft plan conditions is the requirement for a qualified professional to carry out a noise study and identify the mitigative measure. For the information of the Committee, as part of the north-south portion of the Red Hill Creek Expressway, a noise study will be undertaken. For a small cost, this area could be included within this noise study or alternatively, done independently at the time of development.

9. Once the north/south expressway is built, Mud Street will revert to a local cul-de-sac roadway. Until such time as this occurs, the traffic volumes are too high to support individual residential accesses onto Mud Street. Therefore, it is appropriate to place lands fronting on Mud Street in a holding zone.

10. The City of Hamilton claims ownership of the closed road allowance located east of Lots 28 to 34 on the draft plan of subdivision. This was disputed by the solicitors for the current owners on Tamarack Place who claimed proper process was not followed when this road was closed approximately 100 years ago. Rather than risk losing half of the road allowance (33 ft.) for no compensation, an agreement has been reached, subject to City Council approval, to sell 20 feet at market value. From a development perspective, it is more beneficial to sell 20 feet rather than potentially lose 33 feet.

11. The approved Albion Falls Neighbourhood Plan has allocated land to the west of this site for a city park. Therefore, the City will impose the 5% cash in lieu policy rather than 5% parkland dedication.

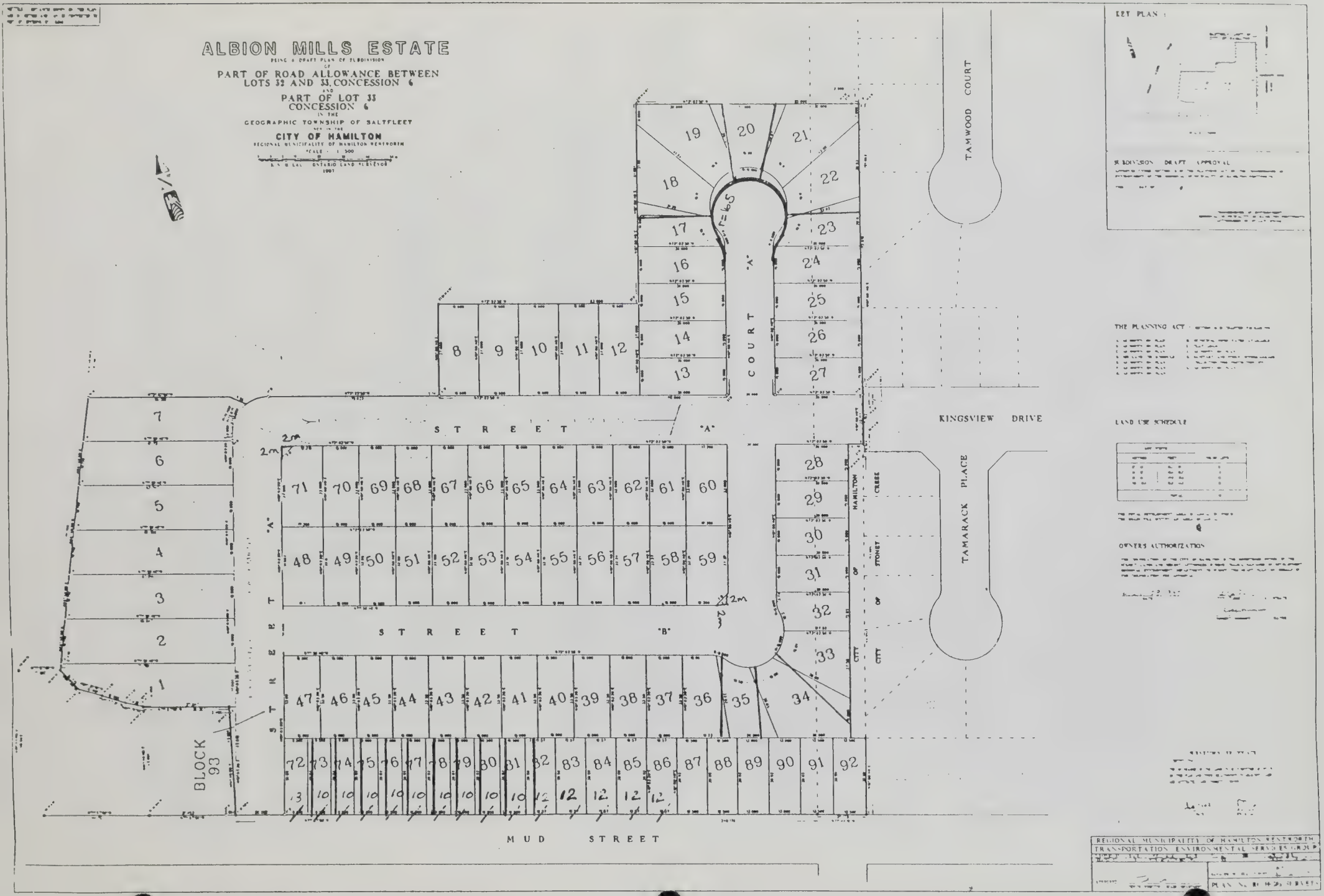
12. The Region, through draft plan of subdivision conditions, will require the developer to carry out an archaeological assessment for the entire property.

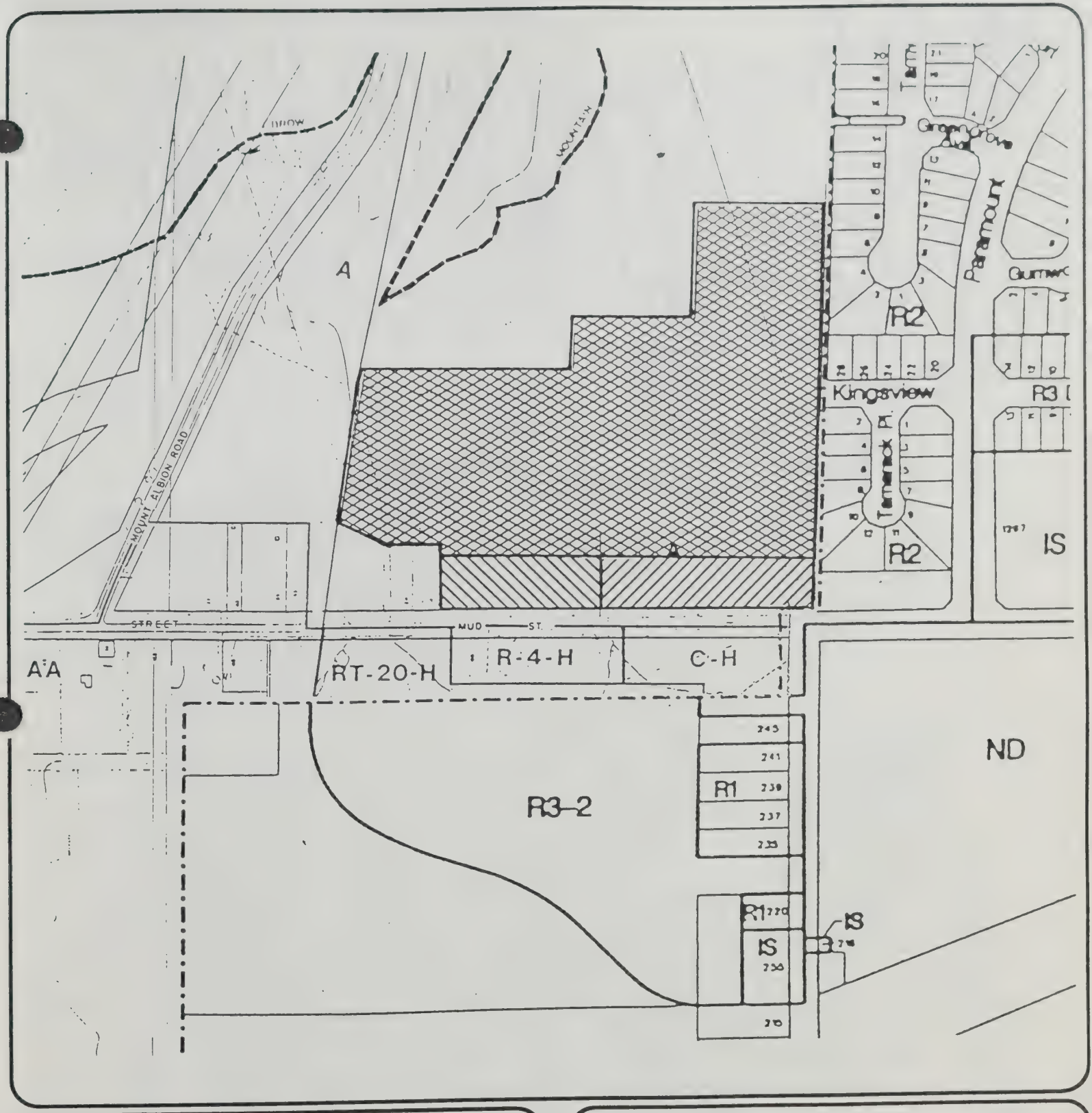
CONCLUSION:

Based on the foregoing, the proposed plan of subdivision, as red-lined and the changes to zoning can be supported.

JHE
c:\ci\ci97d.rpt

APPENDIX "A"


ALBION MILLS ESTATE
BEING A DRAFT PLAN OF SUBDIVISION
OF
PART OF ROAD ALLOWANCE BETWEEN
LOTS 32 AND 33, CONCESSION 6
AND
PART OF LOT 33
CONCESSION 6
IN THE
GEOGRAPHIC TOWNSHIP OF SALTFLEET
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE 1:500
ONTARIO LAND SURVEYOR
1987
TAMWOOD COURT
KINGSVIEW DRIVE
TAMARACK PLACE
"A" COURT
STREET "A"
STREET "B"
HAMILTON STONEY CREEK
BLOCK 93
MUD STREET
KEY PLAN
SUBDIVISION DRAFT APPROVAL
THE PLANNING ACT
LAND USE SCHEDULE
OWNERS AUTHORIZATION
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
TRANSPORTATION ENVIRONMENTAL SERVICES GROUP



Legend

Change in Zoning from "A" (Conservation, Open Space, Parkland and Recreation) District to

BLOCK 1 "B-2" (Suburban Residential) District

BLOCK 2 "C"-'H' (Urban Protected Residential, etc. - Holding) District

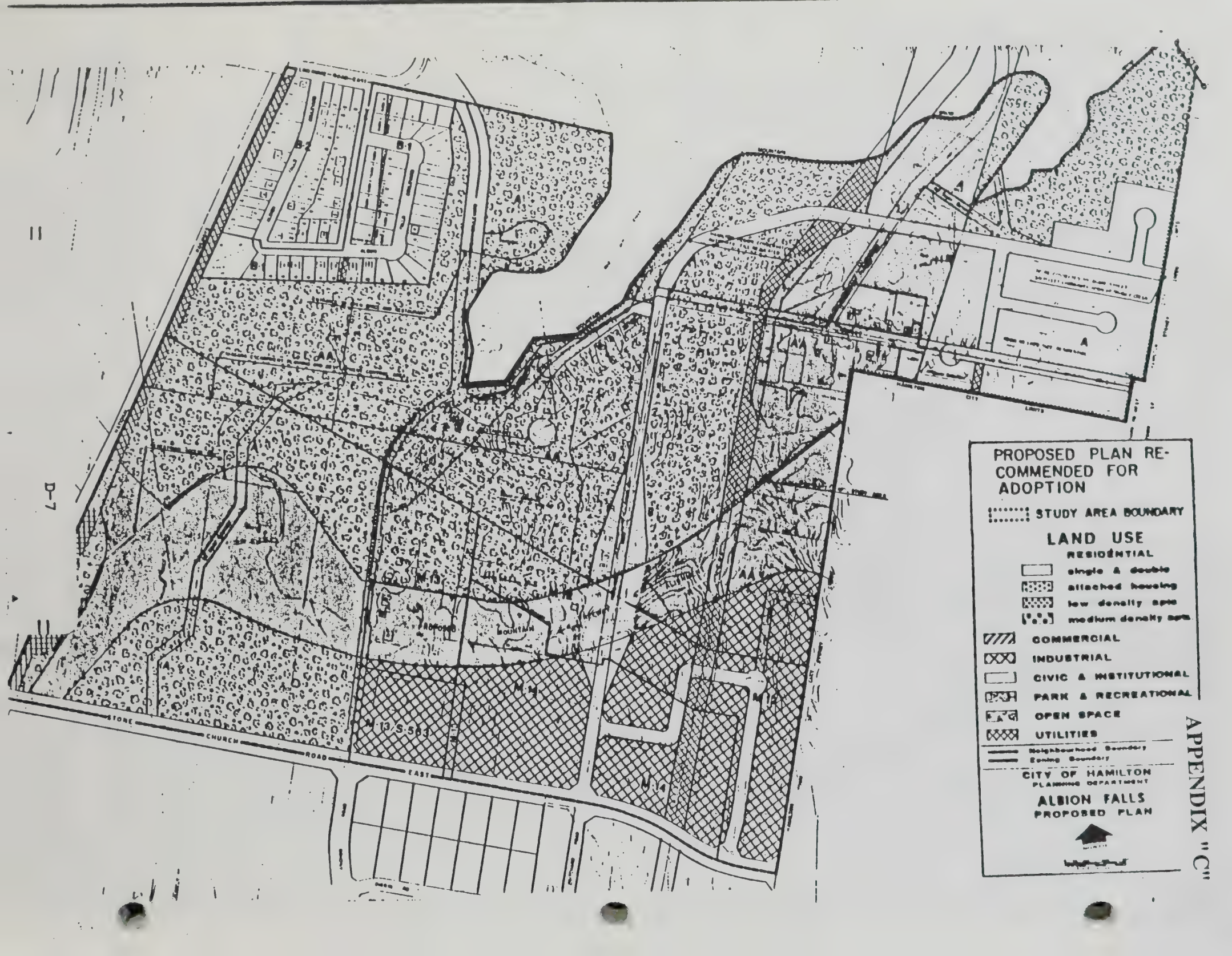
BLOCK 3 "R-4"-"H (Small Lot Single Family Dwelling - Holding) District

City of Hamilton

APPENDIX "B"

Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	CI-97-D SAR-97-06
	Date	Drawn By
	NOVEMBER, 1997	B. B.


PROPOSED PLAN RECOMMENDED FOR ADOPTION
STUDY AREA BOUNDARY
LAND USE
RESIDENTIAL
single & double
attached housing
low density apts.
medium density apts.
COMMERCIAL
INDUSTRIAL
CIVIC & INSTITUTIONAL
PARK & RECREATIONAL
OPEN SPACE
UTILITIES
Neighbourhood Boundary
Zoning Boundary
CITY OF HAMILTON
PLANNING DEPARTMENT
ALBION FALLS
PROPOSED PLAN
STONE CHURCH ROAD EAST
M-13 S-563
D-7

APPENDIX "C"

Cathy Winton

NOV 1 8 1997

Nov 17/97

To Whom it May Concern;

My husband and I are strongly opposed to the proposed zoning changes and plan of subdivision for the property North of Mud St, East of 21t Albion Rd and West of the municipal boundary.

This area borders on the Bruce Trail and is home to numerous wildlife. If this development of new homes in this area takes place, what will happen to the countless deer, racoons, possums, coyotes and red foxes that live, peacefully, at present, in this area? Where will they go?

This area is a natural migatory path for

Cathy Winton

countless birds as they head south in the winter and north in the summer. This is a natural forest region that should be preserved so these wildlife creatures do not lose "another" home due to urban renewal.

We trust you will consider the reactions of your actions.

Yours truly

Mrs. B. A. Winton

B Winton

2(b):

2(c)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 January 13
SAR-97-07
Glenview East Neighbourhood

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Draft Plan of Subdivision ("Delena Extension") - Lands located South of Delena Avenue and North of Central Avenue (No. 1133 Central Avenue).

RECOMMENDATION:

(a) That approval be given to Subdivision Application 97-07 (Regional File 25T-97-016), 712169, Ontario Ltd. (G. Malatesta), applicant, to establish a draft plan of subdivision "Delena Extension", for lands located South of Delena Avenue and North of Central Avenue (No. 1133 Central Avenue), as shown on the attached map marked as APPENDIX "A", comprising of 13 lots for single detached dwellings, the future extension of Delena Avenue, and one block for a 0.3 m reserve, subject to the following conditions:

i) That this approval apply to the plan, prepared by A.J. Clarke and Associates Limited and certified by B.J. Clarke, O.L.S., dated November 24, 1997, showing 13 lots for single detached dwellings, the future extension of Delena Avenue, and one block for a 0.3 m reserve (see attached APPENDIX "B");

ii) That Block 14, being a 0.3 m reserve be established at the south limit of the extension of Delena Avenue and be dedicated to the City of Hamilton by deed;

iii) That land severance applications B-97-75 and B-97-78 to 80, pending a hearing of the Ontario Municipal Board, be withdrawn;

iv) That the owner submit a signed Record of Site Condition (RSC) to the satisfaction of the Region of Hamilton-Wentworth and the Ministry of Environment and Energy (MOEE) and written acknowledgement of same by the MOEE.

v) That the final plan conform with the applicable provisions of the "C" (Urban Protected Residential, etc.) District in the City of Hamilton Zoning By-law No. 6593;

vi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the Subdivision in the Final Plan;

vii) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes;

viii) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement, prior to the issuance of a final release by the City of Hamilton;

ix) That the proposed extension of Delena Avenue be dedicated to the City of Hamilton as a public highway in the final plan;

x) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan;

xi) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority;

xii) That prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:

(1) That all erosion and sediment control measures be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;

(2) That the owner provide an inspection report prepared by a qualified professional engineer of all erosion and sediment control measures after each rainfall to the satisfaction of the Senior Director, Roads Department;

(3) That any disturbed area not scheduled for further construction within 45 days be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,

(4) That all disturbed areas be revegetated with permanent cover immediately following completion of construction.

(4) That all disturbed areas be revegetated with permanent cover immediately following completion of construction.

xiii) That the owner be required to enter into a subdivision agreement with the City of Hamilton prior to development of any portion of these lands;

xiv) That the owner agree in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton prior to the development of any portion of these lands.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SAR-97-07/25T-97016), "Delena Extension", proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

(c) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

Applicant:

712169 Ontario Limited (G. Malatesta).

Agent and Surveyor:

A.J. Clarke and Associates Ltd., agent and O.L.S.

Location

The subject lands are located in the area South of Delena Avenue and North of Central Avenue (No. 1133 Central Avenue), within the Glenview East Neighbourhood (see APPENDIX "A").

Lot Size and Area:

The subject lands have:

- a frontage of 86.27 m (283.04 ft.) on Central Avenue and a frontage of 20.14 m (66 ft.) at the southerly end of Delena Avenue;
- a depth of 69.7 m (228.67 ft.); and,
- an area of 0.6062 ha (1.5 acres).

Existing Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant land (former public school)	"C" (Urban Protected Residential, etc.) District
Surrounding Lands		
To the north	Single-family dwellings	"C" (Urban Protected Residential, etc.) District
To the south	Single-family dwellings	"C" (Urban Protected Residential, etc.) District
To the east	Single-family dwellings	"C" (Urban Protected Residential, etc. District
To the west	Single-family dwellings	"C" (Urban Protected Residential, etc.) District

SUBDIVISION PROPOSAL:

There have been a number of development applications submitted respecting development of this site, as summarized below.

Minor Variance Applications A-97-78 to 82

On June 11, 1997, the Committee of Adjustment (COA) approved variances to permit two proposed lots, to front on the future extension of Delena Avenue, to have a lot areas of 340.57 m^2 and 352.8 m^2, instead of the minimum required 360 m^2, for proposed lots 5

and 6, respectively, on draft plan SAR-97-07. The minor variances are now final and binding.

Land Severance Applications B-97-28 to B-97-32

On June 11, 1997, the COA granted a number of severances to create 13 lots for single detached dwellings, for the subject lands. The approval was subject to a number of conditions, including the dedication of the extension of Delena Avenue. The Planning and Development Department commented that development of the lands should have appropriately been dealt with as a draft plan of subdivision. The decision of the COA was appealed by a number of area residents and referred to the Ontario Municipal Board. In review of the appeal, it was determined that an insufficient number of applications were submitted (ie. five applications were submitted, whereas six were required to create the 13 lots). Consequently, the applications were withdrawn and new applications submitted.

Land Severance Applications B-97-75 to B-97-80

On August 20, 1997, the Committee of Adjustment approved the resubmission, to create 13 lots and provide for the dedication of the extension of Delena Avenue. These applications were also appealed to the Ontario Municipal Board.

One of the issues raised by area residents was the extension of Delena Avenue as a cul-de-sac, rather than as a through street, with all lots fronting onto the extension of Delena Avenue.

In addition, another reason for the appeal related to the creation of the lots by the severance process, as opposed to the subdivision process. To address this concern, the applicant withdrew the severance applications which would have created the six new lots fronting onto the proposed extension of Delena Avenue (applications B-97-76 and B-97-77). The intent was to submit an application for draft plan approval for these six lots and the creation of Delena Drive, and to proceed with severances for the creation of the seven lots fronting onto the existing Central Avenue (applications B-97-75 and B-97-78 to 80).

Application SAR-97-07

On October 22, 1997, the applicant submitted an application (SAR-97-07/25T-97-016) for draft plan approval to the Region of Hamilton-Wentworth, for the northerly portion of the subject lands. The application was to establish a plan of subdivision comprising of 6 lots for single detached dwellings, the extension of Delena Avenue, and one block for a 0.3 m reserve. The seven new lots on Central Avenue were not included. As noted above, the applicant intended to proceed with severance applications (B-97-75 and B-97-78 to 80) to create these lots. In this regard, the initial subdivision submission only affected the northerly portion of the lands (lots 1 to 6 on APPENDIX "B").

Ontario Municipal Board Mediation Hearing Respecting Land Severance Applications B-97-75 and B-97-78 to 80

On November 14, 1997, at the request of the applicant, the Ontario Municipal Board held a mediation hearing, to determine if a settlement could be reached, without the necessity of proceeding to a full hearing. Since applications B-97-76 and B-97-77 had been withdrawn, the Board was only dealing with the seven new lots being created on Central Avenue, ie. the southerly portion of the subject lands. However, the Board ruled that it was not appropriate to deal with any severance of the southerly portion of the lands, since this would limit the development options for the entire lands. If the severances fronting onto Central Avenue were to proceed prior to application SAR-97-07, development would be restricted to the cul-de-sac pattern, a through street would no longer be feasible.

Consequently, the Ontario Municipal Board has not yet made a decision on applications B-97-75 and B-97-78 to 80.

Revised Application SAR-97-07

On November 25, 1997, the applicant submitted a revised application, which also includes the proposed seven lots fronting onto Central Avenue, which are the subject of outstanding applications B-97-75 and B-97-78 to 80. The applicant intends to withdraw these severance applications formally, if application SAR-97-07 is approved.

Consequently, the revised application is to allow development of the lands located South of Delena Avenue and North of Central Avenue (No. 1133 Central Avenue), for 13 lots for single detached dwellings, the future extension of Delena Avenue, and one block for a 0.3 m reserve.

EXISTING DEVELOPMENT CONTROLS:

Provincial Policy Statement (PPS)

The Regional Environment Department has indicated that, since the subject lands contain a former school site, which has potential for site contamination, approval of the proposal should be conditional upon the applicant submitting a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment and Energy (MOEE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOEE.

Hamilton-Wentworth Official Plan

The subject lands are identified as "Urban Area". The proposal complies with the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan

The subject lands are designated "Major Institutional" on Schedule "A" - Land Use Concept of the Official Plan. Residential uses are permitted within Areas designated "Major Institutional", provided they are compatible with the surrounding area and are in keeping with other residential policies in the plan. The proposal complies with the City of Hamilton Official Plan.

Neighbourhood Plan

There is no Approved Plan for the Glenview East Neighbourhood.

City of Hamilton Zoning By-law

The City of Hamilton Zoning By-law No. 6593 zones the subject lands "C" (Urban Protected Residential, etc.) District. As noted previously, the Committee of Adjustment approved variances to permit proposed lots 5 and 6, to have lot areas of 340.57 m^2 and 352.8 m^2, respectively, instead of the minimum required 360 m^2.

COMMENTS RECEIVED:

- The Building Department has advised that:

  "1. Lots 7-13 conform with respect to the minimum required 360 m^2 lot area."

  "1. The proposed lots conform with respect to the minimum required 12.0 m lot width.

  2. The minimum required lot area for lots 1, 2, 3 and 4 is 360 m^2. Lots 5 and 6 (also known as 101 and 97 Delena Avenue) must be a minimum of 352.8 m^2 (3798'^{2}) and 340.57 m^2 (3666'^{2}) respectively, as approved by the Committee of Adjustment decision A-97:78 and A-97:79.

  3. A demolition permit is required to demolish the existing school."

- The Traffic Department has advised that they have no comment.

- The Regional Environment Department have advised that:

  "**Recommendations:**

  1. That the owner satisfy all requirements, financial and otherwise of the City of Hamilton prior to the development of any portion of these lands.

2. That the owner enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands.

Information:

1. We have previously discussed the extension of Delena Avenue southerly and the construction of a cul-de-sac with staff of the Streets Division of the City of Hamilton Department of Public Works and Traffic. They have indicated that they have no objection to the cul-de-sac construction but their first preference would be the southerly extension of Delena Avenue South to Central Avenue.

2. Our office has not received comments from the H.S.R..

The submitted plan, as prepared by Mr. B.J. Clarke, O.L.S., and dated November 24, 1997, is satisfactory to the Regional Environment Department, subject to the above comments and recommendations."

COMMENTS:

1. The proposal complies with the intent of the Official Plan.

2. The applications have merit and can be supported, on the following basis:

   - The proposed development would be compatible with established single-family development in the area.

   - The proposed development would comply with the City of Hamilton Official Plan and the existing "C" (Urban Protected Residential, etc.) District zoning, as amended by minor variance decisions A-97-78 and A-97-79.

3. In accordance with the Planning Act, the City could require the dedication of 5% of the total area of the subject lands for park purposes. However, this dedication would only total 303.1 m^2 (3,262.6 sq. ft.) of land, which is too small for useable park. Furthermore, the City of Hamilton owns a large open space area within the Neighbourhood, along the Red Hill Creek. In addition, there is an exiting public park in the south portion of the Neighbourhood, off King Street. According to the City of Hamilton Park Expenditure Policies, there are 6.16 ha of public open space within the Glenview Neighbourhood. According to standards set out in the City's Official Plan, the required parkland for the Neighbourhood is 0.97 ha. As such, as a condition of draft plan approval, the applicant should be required to make a 5% cash-in-lieu of parkland dedication to the City of Hamilton.

4. As noted in the Background Section of this Report, at previous public hearings regarding development of this site, area residents have raised the issue of the extension of Delena Avenue as a through street versus a cul-de-sac. The following is a summary of the issues relating to the cul-de-sac.

- From a servicing perspective, through streets are preferable to cul-de-sacs. For example, access for service vehicles can be difficult on cul-de-sacs (eg. garbage trucks and snow plows may have difficulty manoeuvring). In addition, cul-de-sacs can have higher long-term maintenance costs.

  However, the proposal is an improvement over the existing situation. Delena Avenue is currently a dead end street with a 20.12 m (66 ft.) R.O.W. The proposed cul-de-sac would be constructed to current standards (eg. turning bulb with a radius of 15.24 m).

- The through street may be more consistent with the established development pattern in the area, in that most lots in the area front onto the north-south streets, rather than Central Avenue. A through street may also provide better pedestrian circulation, in that pedestrians coming from Delena Avenue would have access southerly into the neighbourhood.

  However, the extension of Delena Avenue as a cul-de-sac would more closely maintain the existing character of the street, and limit the impacts for residents on the existing portion of Delena Avenue.

- With the Cul-de-sac option, seven new building lots would be created on Central Avenue. This may generate some additional traffic on Central Avenue.

  However, the establishment of a through street may also result in some additional traffic on Central Avenue.

- If Delena Avenue were extended directly southerly, it would not line up with Taylor Avenue, on the south side of Central Avenue. The Traffic Division generally recommends that, at intersections, streets should line up centre line to centre line.

  If a through street option were approved, it appears that the extension of Delena Avenue could be curved westerly, so that it would line up with Taylor Avenue to the south.

It is recognized that there are merits to both a cul-de-sac and a through street. However, it is noted that the Traffic Division Regional Environment and Transportation Departments have no objection to the cul-de-sac, since it represents an improvement over the existing situation. Furthermore, as stated above, the cul-de-sac will limit the impacts

on the existing residents along Delena Avenue. Accordingly, the extension of Delena Avenue as a cul-de sac can be supported.

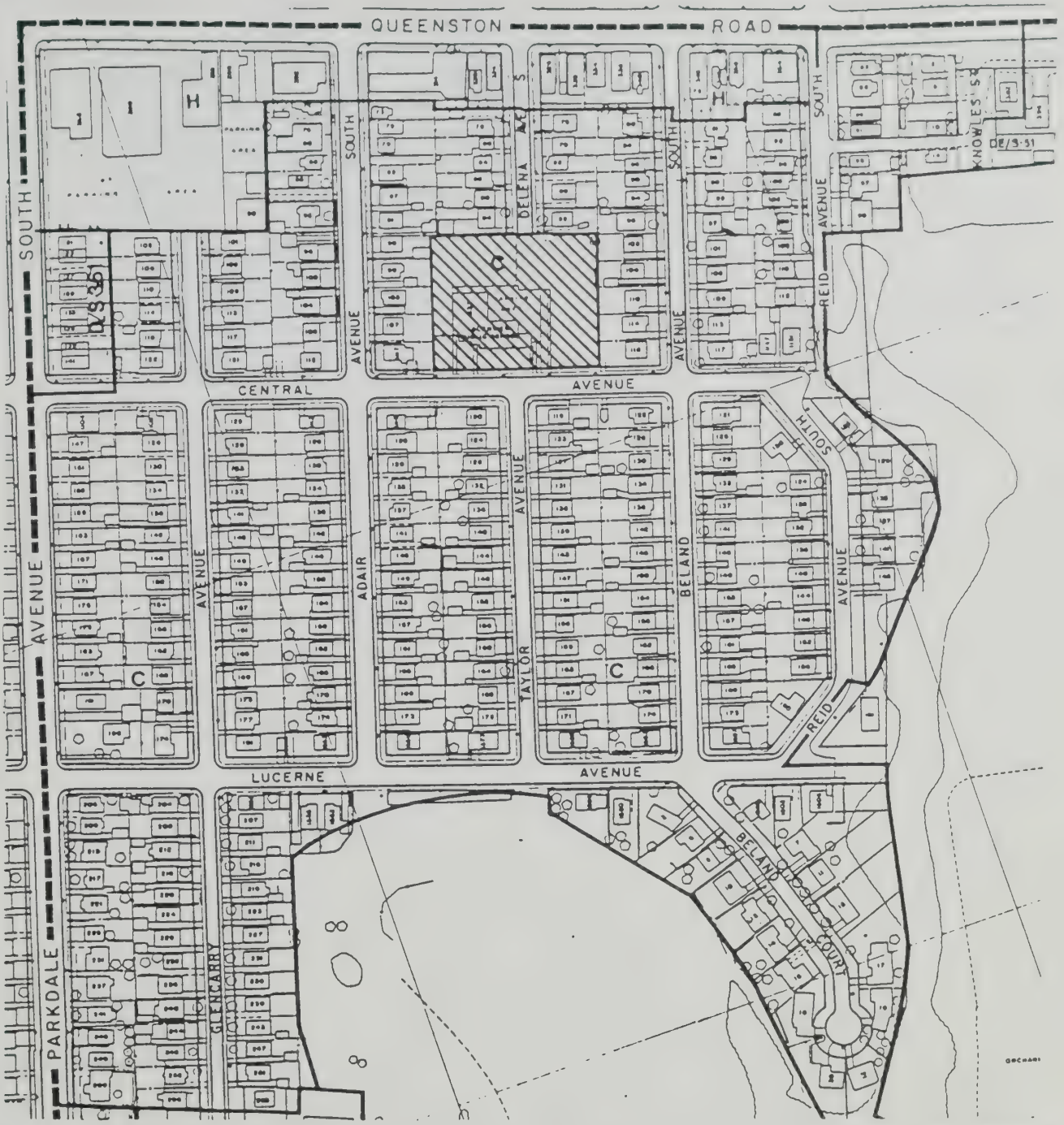
5. The Regional Environment Department has indicated that the subject lands have potential for site contamination, therefore, as a condition of draft approval the applicant must submit a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment and Energy (MOEE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOEE.

6. A 0.3 m reserve is proposed at the southerly extension of Delena Avenue. Without the dedication of this reserve, proposed lot 10 would become a through lot. A through lot technically has two front yards. The establishment of the 0.3 m reserve will preclude problems associated with through lots. Furthermore, the 0.3 m reserve will prohibit lot 10 from having access onto Delena Avenue.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

CL-M



Legend

Site of the application

City of Hamilton

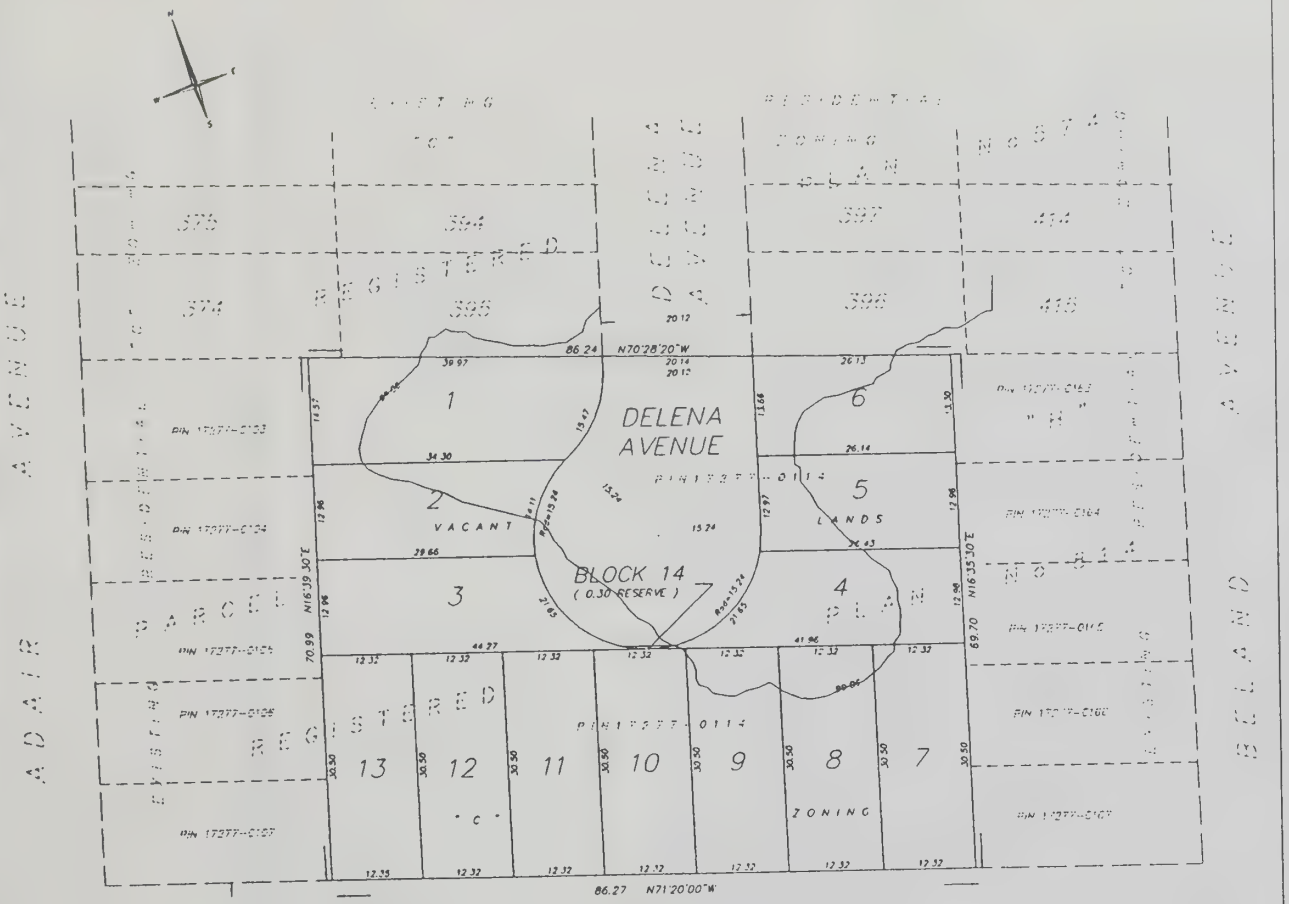
Location Map

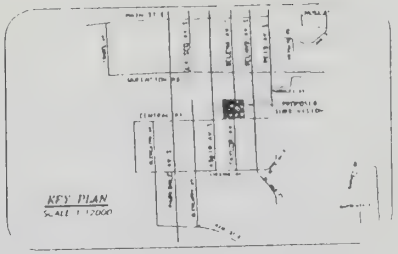
Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	SAR-97-07
	Date	Drawn By
	DECEMBER, 1997	B. B.

APPENDIX A

APPENDIX B





DRAFT PLAN OF

DELENA EXTENSION

BEING A PROPOSED SUBDIVISION OF

PART OF PARCEL " H " – HIGH PARK

REGISTERED PLAN No 814

IN THE

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH

SCALE 1 :400

0 5 10 15 20 metres

B J CLARKE O.L.S.

1997

NOTE THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.

METRIC DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

RE CHAPTER P.13 R.S.O. 1990 SECTION 51 (2)

THE PLANNING ACT

A SHOWN ON PLAN	H MUNICIPAL PIPED WATER AVAILABLE
B SHOWN ON PLAN	I CLAY LOAM
C SHOWN ON PLAN	J SHOWN ON PLAN
D SEE LAND USE SCHEDULE	K MUNICIPAL SEWERS TO BE INSTALLED BY SUBDIVIDER
E SHOWN ON PLAN	L NONE
F SHOWN ON PLAN	
G SHOWN ON PLAN	

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN

NOVEMBER 24, 1997
DATE

B J CLARKE
ONTARIO LAND SURVEYOR

LAND USE SCHEDULE

TOTAL AREA = 6067 m²
LOTS 1 TO 13 – "C" ZONING
BLOCK 14 – 0.30 RESERVE

SUBDIVISION DRAFT APPROVAL

APPROVED UNDER SECTION 51 OF THE PLANNING ACT BY THE COMMISSIONER OF ENVIRONMENT OF THE REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH

THIS DAY OF , 1997

COMMISSIONER OF ENVIRONMENT
REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH
AUTHORIZED BY BY-LAW No. 195-041

A. J. Clarke and Associates Ltd.
ONTARIO LAND SURVEYORS · CONSULTING ENGINEERS
PROFESSIONAL PLANNERS
155 JAMES STREET SOUTH, SUITE 125
HAMILTON, ONTARIO L8P 3A7, CANADA
TEL 905-529 8761 FAX 905-529-3289
internet email ajc@ajclarke.com

2(c) i

121 Beland Avenue South
Hamilton, Ontario
L8K 3T5

JAN 1 2 1998

January 9, 1998

The Corporation of the City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

ATTENTION: SECRETARY - PLANNING AND DEVELOPMENT DEPARTMENT

RE: FILE #SAR-97-07

In addition to the attached card opposing the draft plan of subdivision for south of Delena Avenue South and north of Central, I am attaching the two letters that we sent to the Committee of Adjustment regarding this development.

Also attached is a copy of the wording on a petition that was taken and delivered to the Committee of Adjustment. Unfortunately, I do not have a copy with all the names on this petition, but I am sure it is available at the Committee of Adjustment office.

We hope that you take our concerns into account when making your decision.

Sincerely,

Betty Paolini Ron Paolini

Betty and Ron Paolini

Attach. 4

cc Geraldine Copps, Ward 4
Dave Wilson, Ward 4



121 Beland Avenue South
Hamilton, Ontario L8K 3T5

June 6, 1997

City of Hamilton
City Hall
71 Main Street West
Hamilton, Ontario L8N 3T4

Attention: Committee of Adjustment - P. Fisher or J. Gamble

RE: GLENVIEW SCHOOL SITE - NOTICE OF HEARING OF LAND SEVERANCE

Further to our letter of April 7, 1997 regarding the above development.

Although the developer has made some adjustments to the plans for the site, **this still continues to be a high density project and not in character with the existing neighbourhood.**

After attending two neighbourhood meetings on this subject, it was obvious that the majority of the people want

❶ that this be a park. However, the neighbourhood was denied this opportunity, when the School Board ignored the City's request and sold this property to a developer

❷ that Delena Avenue be extended to Central Avenue. *Having a through street makes for easier garbage pickup, easier snow removal, easier street cleaning, and* ***most of all better traffic flow and less parking problems.***

This is also the preferred route of the Streets Division of the City.

Please consider the above when making your decision on this unacceptable plan.

Sincerely,

Betty and Ron Paolini

cc: Geraldine Copps - Ward 4
Dave Wilson - Ward 4

April 7, 1997

City of Hamilton
City Hall
71 Main Street West
Hamilton, Ontario L8N 3T4

Attention: P. Fisher and J. Gamble
Committee of Adjustment

RE: NOTICE OF HEARING - APPLICATION NO: B-97: 28-32 (Land Severance)
- APPLICATION NO: A-97: 78-82

The City of Hamilton has sent us a copy of the proposed draft plan from a developer to build 14 homes on the above site asking for a severance.

We object to this plan, especially the building of 8 homes fronting Central Avenue. This is an older established neighbourhood (we have lived here for 26 years) and a high density development in our midst on such a small parcel of land is not appropriate. This is not a new subdivision.

This type of development is contrary to the existing layout of this neighbourhood. The proposed Court is only there so that this builder can squeeze in 14 homes. If the developer had proposed an extension of Delena Avenue to Central Avenue with single family homes on either side of the road, we would not be objecting to this development. This extension would allow the building of homes in the same structure as the existing neighbourhood.

In addition, we can foresee parking problems on Central Avenue as well as increased traffic.

We cannot be in favour of this draft plan as it stands, and many of our neighbours share these feelings.

We hope that you take our concerns seriously when consideration is given to this proposal. We request a copy of this decision.

Sincerely,

Betty Paolini _____ Ron Paolini _____

121 Beland Ave. S. (Corner of Central Ave.)
Hamilton, Ontario
L8K 3T5

cc Geraldine Copps, Ward 4
Dave Wilson, Ward 4

PETITION

RE: THE DEVELOPMENT OF THE OLD GLENVIEW SCHOOL ON CENTRAL AVENUE

We as residents and taxpayers of this area, oppose the development of this site as proposed in the draft plan Application No: B-97: 28-32 (Land Severance) and Application No: A-97: 78-82 because of the negative impact on the surrounding neighbourhood. A high density development is not consistent with the structure of this older established area. The only plan we would be in favour of, is the extension of Delena Ave. South to Central Avenue with single family homes on either side similar to the homes in this area.

DATE	*PRINT NAME*	*ADDRESS*	*SIGNATURE*

JAN 1 2 2(c)ii

The Corporation of the City of Hamilton
Secretary
Planning and Development Committee
City Hall
71 Main St. West
Hamilton, Ontario
L8N 3T4

January 7, 1998

Re: Planning Department File # SAR-97-07

As per our understanding at the last meeting , we were under the impression that as a result of our opposition to the proposed subdivision plan, a new plan was to be drafted and submitted to the Planning Board.

Much to our surprise, there has been no change from the original plan. We were opposed to the original plan and are opposed to this plan for the same reasons which are as follows.

Having seven more houses fronting on Central Ave. will increase traffic volumes on Central Ave. because the plan design does not include a through street from Central to Queenston Rd. (Beland , Adair and Central Avenues are already impacted since these streets take on the added traffic volumes from Reid , Taylor and Glengarry Avenues which are currently not through streets.)

In addition, this proposal does not take into account the older neighbour surroundings.

We are looking forward to discussing these issues further at the next meeting on January 21, 1998. We would like to be notified in writing of any rulings regarding this proposal.

John and Teresa Kubay

3.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 January 6

REPORT TO: Ms. Stella Glover, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: 1998 Planning Conferences

RECOMMENDATIONS:

a) That the Chairman and/or up to 4 designates attend the 1998 American Planning Association National Conference in Boston;

b) That the Chairman or his designate attend the 1998 Canadian Institute of Planners Conference in Winnipeg;

c) That cost for attendance be allocated to the Aldermen Travel Account No. CH55201-10010, from the 1998 Operating Budget.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Costs for attendance at Conferences comes from the Alderman's travel account no. CH55201-10010, from the 1998 Operating Budget.

BACKGROUND:

The following is a brief description of these national conferences (more information is available from the Director of Planning and Development):

- APA National Conference, April 4-8, 1998, Boston. The theme of this conference is "Revolutionary Ideas", and will provide workshops and sessions that discuss successful studies, special projects policies issues and new ways of solving common problems. Over 250 sessions will be provided dealing with issues as various as Downtowns, Historic Preservation, Neighbourhood Planning, Redevelopment Environment, and Zoning. With over 4,000 planners in attendance, this is an excellent forum for the exchanging of planning information. As such, it is worthy that more than one member of the Planning and Development Committee attend.

- CIP National Conference, May 31-June 3, 1998, Winnipeg. The theme of this conference is "At the Crossroads", and as such, the Conference will deal with how such issues as free trade, global competition, migration and changing community values are impacting planning. This conference addresses planning issues affecting municipalities throughout Canada.

CONCLUSION:

Both the APA and CIP Conferences are useful forums for new information on planning issues, practices and solutions, and as such, are worthy of attendance by the Chairman and/or his designate.

BJ:fd

4.

CITY OF HAMILTON

- INFORMATION -

DATE: 1997 November 28

REPORT TO: Mrs. Stella Glover, Secretary
Planning and Development Committee

FROM: Mr. J. J. Schatz
City Clerk

SUBJECT: Sub-Committees of the Planning and Development Committee

BACKGROUND:

For the 1995-1997 term of City Council, the following Sub-Committees of the Planning and Development Committee were in existence:

Beach Neighbourhood Plan Implementation Committee
BIA and Business Co-Ordinating Committee
Central Area Plan Implementation Committee
CN Station Citizens Advisory Committee
Hamilton Harbour Land Use Planning Sub-Committee
Local Architectural Conservation Advisory Committee

The Planning and Development Committee should make a determination on its Sub-Committees at this time and recommend the appropriate Aldermanic appointments as required.

For the Committee's information, the mandate and composition of the above-noted Sub-Committees is as follows:

a) **Beach Neighbourhood Plan Implementation Committee**

A task-oriented group to advise on the implementation of the policies and actions in the Beach Neighbourhood Plan as adopted by City Council on 1992 July 28.

Ward 4 and 5 Aldermen
5 Beach Neighbourhood residents
Various Resource Persons

b) **BIA and Business Co-Ordinating Committee**

Facilitates the implementation of the Downtown Action Plan, Commercial Improvement Programme and other City of Hamilton streetscaping initiatives and provides a forum for the City of Hamilton's Business Improvement Areas.

1 Member of City Council
Representatives from the seven Business Improvement Areas
Staff

c) **Central Area Plan Implementation Committee**

Advises the Planning and Development Committee on planning matters relating to the Central Area including the Central Area Plan (bounded by Queen Street, Victoria Avenue, the escarpment and the bay), strategies for implementing the policies of the Central Area Plan, acting as a sounding board for development proposals, co-ordinating initiatives in the Central Area, monitoring Central Area matters and supplying representatives to other Committees to give a Central Area point of view.

1 Member of City Council
2 Citizen Members at Large
14 Members appointed by CAPIC representing various Associations, Boards and Businesses

d) **CN Station Citizens Advisory Committee**

A Task-oriented Committee to examine the future of the CN Station property in Hamilton.

Representatives of:
The Planning and Development Committee
CAPIC
LACAC
Business Improvement Areas and other stakeholders

e) **Hamilton Harbour Land Use Planning Sub-Committee**

Negotiates and deals with matters of land use with regard to the Hamilton Harbour Commissioners.

All Members of the Planning and Development Committee

f) **Local Architectural Conservation Advisory Committee**

Advises and assists on all matters relating to buildings and areas of architectural and/or historical significance pursuant to the provisions of the Ontario Heritage Act.

2 Members of City Council
8 Citizen Members

Citizen member vacancies on the Central Area Plan Implementation Committee and the Local Architectural Conservation Advisory Committee have been advertised and Orientation Sessions for citizens interested in serving on these two Sub-Committees were held on 1997 November 24 and November 26. The deadline for applications is 1997 December 12.

cc Victor Abraham, Director, Planning and Development Department

SECRETARY'S NOTE:

Hamilton Harbour Land Use Planning Sub-Commitee

I have been advised that the Hamilton Harbour Land Use Planning Sub-Committee has not met for some considerable time and is now defunct. Any future Harbour Issues will be dealt with by the recently created Land Uses Task Force.

CN Station Citizens Advisory Committee:

Nina Chapple of the Planning & Development Department informs me that the CN Station Citizens Advisory Sub-Committee has also not met for some time and could be disbanded, particularly in view of the pending sale of the building. If necessary this Sub-Committee could be resurrected in the future on the recommendation of the Local Architectural Conservation Advisory Committee.

Attached for the Committee's convenience is the draft wording for Sub-Committees being reconfirmed and Aldermanic appointments made by the Planning and Development Committee.

A. Glover

DRAFT WORDING FOR SUB-COMMITTEES BEING RECONFIRMED AND ALDERMANIC APPOINTMENTS MADE BY THE PLANNING AND DEVELOPMENT COMMITTEE

(a) That the following Sub-Committees be reconfirmed as Sub-Committees of the Planning and Development Committee:

(i) Beach Neighbourhood Plan Implementation Committee
(ii) BIA and Business Co-Ordinating Committee
(iii) Central Area Plan Implementation Committee
(iv) Local Architectural Conservation Advisory Committee

(b) That the following Sub-Committees of the Planning and Development Committee be disbanded:

(i) CN Station Citizens Advisory Committee
(ii) Hamilton Harbour Land Use Planning Sub-Committee

(c) That the following Ward 4 and 5 Aldermen be appointed to serve on the Beach Neighbourhood Plan Implementation Committee:

(i)
(ii)
(iii)
(iv)

(d) That the following member of City Council be appointed to serve on the BIA and Business Co-ordinating Committee:

(i)

(e) That the following member of City Council be appointed to serve on the Central Area Plan Implementation Committee:

(i)

(f) That the following two members of City Council be appointed to serve on the Local Architectural Conservation Advisory Committee:

(i)
(ii)

5.

OFFICE OF THE CITY CLERK

MEMORANDUM

****

TO: Stella Glover
Secretary,
Planning and Development Committee

YOUR FILE:

FROM: Mr. J. J. Schatz
City Clerk
City Clerk's Department

OUR FILE:
PHONE: 546-2727

SUBJECT: **Letter from Residents of Queen Street South Opposing Proposed Residential Care Facility at 366 Queen Street South**

DATE: 1997 December 15

Attached for your attention is a copy of a letter which was referred to the Planning and Development Committee by City Council at its meeting held 1997 December 11.

cc: V. Abraham, Director, Planning and Development Department
L. King, Building Commissioner
P. Noé Johnson, City Solicitor

December 1, 1997

1.

Mr. Joe Schatz
City Clerk
City of Hamilton
71 Main Street West
Hamilton, Ontario L8N 3T4

Dear Mr. Schatz:

It has come to our attention that the residence at 366 Queen Street South has been sold to Anna Green, who intends to use the house as a residential care facility. We would like it to go on record that we the undersigned are opposed to this business venture.

We currently live in a residential area of families and the introduction of any care facility would be inappropriate in our neighbourhood. This would particularly be the case if such a facility were for residents such as psychiatric or geriatric patients, young people with emotional difficulties or those in trouble with the criminal justice system.

Needless to say, we are very proud of our homes and have put in a lot of time, money and energy to making them enhance our neighbourhood. We feel that a residential facility would have a very negative impact on our property values and are extremely anxious about this.

It should also be recognized that the residence at 366 Queen Street has not been used as a day nursery for at least the past fifteen years, contrary to the information cited in the Certificate of Zoning Verification Property Report.

When residential care facilities are proposed, the community affected should be consulted and their concerns heard. To date, the families in the neighbourhood have not been consulted. We feel that we should be consulted. Moreover, we would hope that any problems with residential care facilities owned by Anna Green be investigated and taken into account when reviewing Ms. Green's current application.

We would greatly appreciate your consideration of our strong opposition to the proposed residential care facility at 366 Queen Street South.

Please see our signature below.

- Donna Clark 364 Queen St. South
I am in agreement of the above letter
(905) 527-1944.

- DAVID MASNEY 364-A QUEEN ST. S.
I AM IN AGREEMENT OF THE ABOVE
LETTER. (905) 777-9387.

- RAYMOND & KAREN BARRETT
360 QUEEN ST SOUTH
WE ARE IN TOTAL AGREEMENT
WITH THE ABOVE R&K Barrett

- Charles & Athena Lee
369 Queen St South.
905 - 529 - 6591
We are in agreement of the above
letter C. Lee A. Jung Lee

Freda and Seymour Rosenfeld
370 Queen St South
We are in total agreement with the above
letter. (905) 525-6735

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1998 January 21
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

Minutes of the meeting held 1997 December 11.

B. BUILDING COMMISSIONER

(i) Commercial Property Improvement Loan Program - 340 Barton Street East

(ii) 1457 Upper Sherman Avenue - demolition

(iii) 21 Arden Avenue - demolition

(iv) Commercial Property Improvement Loan Program - 536 Concession Street

C. DIRECTOR OF PLANNING AND DEVELOPMENT

(i) "Domvir Estates - Phase 1", Hamilton
"Highridge South - Phase 3", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

(ii) Site Plan Control Application DA-97-23, 450 Ottawa Street North and 1089-1091 Barton Street East

D. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

(i) Deterioration of Vacant Heritage Buildings - Need for Stronger Preventive Measures

(ii) Professional Appraisal of Bellevue, 14 Belvidere Avenue

E. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

(i) Downtown Hamilton Business Improvement Area (B.I.A.) - 1998-2000 Board of Management

(ii) Downtown Hamilton Business Improvement Area (B.I.A.) - Proposed Budget and Schedule of Payments for 1998

(iii) Expansion of the Barton General Community Improvement Project Area

(iv) Expansion of the Downtown Hamilton B.I.A. Community Improvement Project Area

(v) Expansion of the Main Street West Community Improvement Project Area

F. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

Thursday, 1997 December 11
4:00 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

A.

There were present:

Alderman F. D'Amico, Chairperson
Alderman G. Copps, Vice-Chairperson
Mayor R. M. Morrow
Alderman M. Caplan
Alderman R. Corsini
Alderman D. Haining
Alderman B. Charters
Alderman B. Kelly
Alderman F. Eisenberger

Also present:

Alderman T. Anderson
Alderman A. Horwath
Alderman M. Kiss
Alderman D. O'Sullivan
Victor Abraham, Director of Planning and Development Department
Paul Mallard, Planning and Development Department
Bill Janssen, Planning and Development Department
Joanne Hickey-Evans, Planning and Development Department
Nina Chapple, Planning and Development Department
Eugene Chajka, Regional Environment Department
Bob Chrystian, Public Works and Traffic Department
Roland Karl, Public Works and Traffic Department
Hazel Milsome, Public Works and Traffic Department
Len King, Building Commissioner
Terry Whitehead, Mayor's Office
Stella Glover, Secretary

1. DIRECTOR OF PLANNING AND DEVELOPMENT

Proposed Revised Draft Plan of Subdivision "Timothy Survey"

The Committee was in receipt of a report dated 1997 November 25 from the Director of the Planning and Development Department, and approved the following recommendation:

(a) That approval be given to the request by Timothy Canadian Reformed School Society, et.al., owners for a revision to the Draft Approved Plan of Subdivision "Timothy Survey", File No. 25T-94001(R), for 22 lots for single detached dwellings and two blocks for institutional uses, on lands located north of the future extension of Crerar Drive, west of Upper Wentworth Street in the Crerar Neighbourhood, as shown on the attached map marked as Appendix "A" subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by A.J. Clarke and Associates and certified by B.J. Clarke, O.L.S., dated July 24, 1997, showing 22 lots for single detached dwellings, two blocks for institutional uses and one street identified as Court 'A", attached as Appendix "B"; and,

(ii) That Court "A" be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth; and,

(iii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan; and,

(iv) That the applicant/owner pay to the City and Region all outstanding road, real estate and servicing costs for Parts 5 and 6 on Reference Plan 62R-8492 on Aquilla Place; and,

(v) That 1m by 1m daylight triangles be established on the corner of Court "A" and Crerar Drive; and,

(vi) That Crerar Drive in "Timothy Survey" plan of subdivision be established and constructed to its full width; and,

(vii) That the final plan conform with the Zoning By-law approved under the Planning Act; and,

(viii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan; and,

(ix) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,

(x) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton; and,

(xi) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes; and,

(xii) The owner must enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands; and,

(xiii) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of the subject lands; and,

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-94001(R)), Timothy Canadian Reformed School Society of Hamilton and Canadian Reformed Society for a Home for the Aged Inc., owner, proposed revised draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,

(c) That the approved Crerar Neighbourhood Plan be amended to redesignate the subject lands from "Civic & Institutional" to "Single and Double Residential" and to add the local street as per the revised draft plan of subdivision attached as Appendix "C"; and,

(d) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

2. REFERRED BACK BY CITY COUNCIL

Proposed Official Plan Amendment No. 145 - No. 100 Beddoe Drive (Lapp Property).

The Committee was in receipt of a memorandum dated 1997 October 29, from the City Clerk, stating that this matter was referred back by City Council at its meeting held 1997 October 28.

The Committee was also in receipt of a report dated 1997 November 24 from the Director, Planning and Development Department respecting the above noted matter.

The Committee received a written submission dated 1997 October 15 from Linda Pearson, 7 Beulah Avenue, Hamilton; and a petition dated 1997 October signed by 100 persons, both documents in opposition to the proposed Official Plan Amendment.

The Chairperson, Ald. D'Amico, declared an interest due to the fact that his employer was the owner of the subject land and handed the Chair to Vice-Chairperson, Ald. Copps. At this point Ald. D'Amico left the room.

Ald. Caplan requested that this matter be tabled to the next meeting of the Planning and Development Committee in order that the neighbourhood residents have the opportunity to meet with the Planners.

It was suggested that the approach to the Chedoke Golf Course be made more attractive. The row of garages was especially cited.

However, concern was expressed that the developers not be further held up, particularly in view of the fact that this was a very expensive piece of property.

Mr. Herman Turkstra attended on behalf of the applicant and was asked if it was feasible to make aesthetic changes to the proposal. He advised that the report did not deal with final design which would be determined in the future. Therefore the issue of shielding the garages could be dealt with at the site plan process. However, this process could not be started until confirmation that the concept of land use was satisfactory to City Council.

Mr. Turkstra pointed out that this matter was to be dealt with by the Niagara Escarpment Commission on 1998 January 15 who had a mandate to support the planning position of the municipality, and therefore it would be necessary to know City Council's position by then. He stated that, if the site plan could be started, he would be quite happy to meet with the neighbourhood residents and planners. However, it would also be necessary to know Council's position on whether the property would be residential or commercial.

Victor Abraham, Director of Planning and Development, stated that the site plan process could be started but that it would be subject to the Official Plan Amendment and if that was not approved it would therefore be null and void.

Ward Alderman Mary Kiss expressed concern for safety reasons, pointing out that the proposal had only one road in and out and was adjacent to railroad tracks. She asked how the residents would escape the development if a railroad accident/spill occurred on the site.

At this point Ald. Copps handed the Chair to Mayor Morrow in order to speak on the issue. She expressed concern for the residents in particular with regard to the noise level expected at the site.

Ald. Caplan moved and Ald. Copps seconded a motion that this matter be referred to the next meeting of the Planning and Development Committee, however this motion was lost.

Wanda Crouse spoke on behalf of the Kirkendall Neighbourhood Association and explained that this matter was complicated and not simply a matter of aesthetics. She pointed out that the row of garages in question was to meet the requirements set out in the Ontario Municipal Board decision with regard to noise. Therefore, if the design of the garages was changed the applicant could no longer meet the noise requirement.

Dr. Crouse stated that this was not a simple situation and had in fact been ongoing for eight years. She was therefore asking for a further opportunity to meet with members of Council, particularly in view of the fact that there were four new members, to discuss the matter in more detail. If the Committee was not prepared to table the matter, Dr. Crouse requested that the application not be supported as a number of issues remained to be dealt with.

After considerable discussion the Committee approved the following recommendation:

(a) That approval be given to Official Plan Amendment No. 145, Chedoke Terrace Inc., owner, for a redesignation from Industrial to Residential on Schedule "A" - Land Use Concept and to establish a "Special Policy Area" in the Official Plan,to permit the development of the lands for 172 townhouse units, for the property located at No. 100 Beddoe Drive (Lapp property), as shown on the attached map marked as Appendix "D", on the following basis:

(i) the maximum number of townhouse units will be 172 comprised of 24 townhouse units in the woodlot, 72 units in the perimeter ("U" shaped) building and 76 interior townhouse units; and,

(ii) the maximum height of the townhouses shall not exceed 12.5 m and the turret feature on the community building shall not exceed 15 m; and,

(iii) in accordance with Section A.2.1.3 iii), retail stores and services that serve the daily needs of the residents will be permitted within the perimeter building only; and,

(iv) the lands will be subject to site plan control; and,

(b) That upon finalization of the Official Plan Amendment, the approved Chedoke Park Neighbourhood Plan be amended by redesignating the subject lands from "Special Policy Area" to "Attached Housing"; and,

(c) That Site Plan Control By-law No. 79-275, as amended by By-law No 87-223, be further amended by adding the lands located at 100 Beddoe Drive and the Director of Planning and Development be directed to prepare a By-law, to amend By-law 79-275, for presentation to City Council; and,

(d) That the following conditions be imposed on the development in accordance with the Consolidated Board's decision:

(i) In addition to the standard requirements of the Site Plan Control Process, the following additional requirements will be imposed:

(1) a 4.5 m acoustical barrier shall be provided and maintained on the westerly limits of the property between the south end of the property and the southerly limits of the townhouses in the perimeter building, approximately 130 m); and,

(2) a 1.2 to 2.0 m visual barrier shall be provided and maintained along the westerly boundary between the most northerly point of the property and end of the townhouses in the perimeter building, approximately 150 m; and,

(3) a 3 m high acoustical barrier, approximately 20 m in length, shall be provided and maintained in the area of townhouses located within the woodlot to protect the most southerly row of townhouses and their amenity/rear yard area; and,

(4) a 3 m high acoustical barrier, approximately in length extend southerly from the wall of the eastern most townhouse unit in the most southerly row of townhouses; and,

(5) the Landscape Plan shall include the following details: the location, size, number and type of trees to be planted, predominantly native plant materials; a planting schedule and a maintenance statement that will require the care and replacement of stock, and provision for the seeding or sodding of all disturbed areas within the first growing season following completion of construction; and,

(6) a Tree Preservation Plan that shall include the following details: the location, size, number and type of trees to be retained; the method of protection from construction activity, i.e., fencing, wrapping, signing, wells around base of trees; if a woodlot is to be retained, its location should be clearly shown on a scaled site plan with the location of a limit of work fence accurately shown and trees defining the woodlot edge adjacent to development

identified. (NOTE: grading near the base of trees to be preserved will not be permitted.); and,

(7) that the applicant prepare and implement a stormwater management plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the Manager, Development Engineering Section, Regional Environment Department. This plan shall address water quality and quantity issues and will ensure that post development flows will equal pre-development levels and that current provincial drainage and stormwater quality and quantity guidelines are implemented; and,

(8) that prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:

(a) All erosion and sediment control measures will be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated; and,

(b) That the Owner provide a summary inspection report every 14 days, prepared by a qualified professional engineer, outlining the status of all erosion and sediment control measures after each rainfall, including remedial measures taken, to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department; and,

(c) Areas not scheduled for development within 45 days or over the winter months should be left with existing vegetation in place. If the area has been previously graded, all disturbed areas should be revegetated using seed and mulch; and,

(d) All disturbed areas will be revegetated with permanent cover immediately following completion of construction; and,

(9) The applicant shall consider establishing a bus stop abutting the property; and,

(ii) Prior to issuance of building permits, the working drawings must be certified by a professional engineer, registered in Ontario and competent in acoustics, to be in compliance with the approval conditions of the Joint Board and specifically to ensure that all units are designed to comply with the indoor sound level limits listed below accounting for idling locomotives in the rail yard:

	dBA Rail(*)	Road(*) Yard(**)	Works
Bedrooms (2300-0700)	35	40	40
Living/Dining/Recreation Rooms (0700-2300)	40	45	45

*LEQ for indicated time period **LEQ for any hour

The acoustical certification shall be implemented by an original noise control certificate that is signed, stamped and dated by the acoustical engineer, and applied to each drawing; and,

(iii) The interior sound levels in the bedrooms on the easterly exposed townhouses shall not exceed MOE interior noise guidelines. Similarly, the same units shall be designed to meet 35 dBA Leq from the idling locomotives on the sidings closest to the Rail Yard; and,

(iv) Air conditioning shall be installed in all units; and,

(v) The easterly four units of the south easterly row of townhouses in the woodlot shall be single aspect with any windows above the first floor pointing only toward the south or south east; and,

(vi) The westerly row of townhouses in the woodlot shall be single aspect with any windows above the first floor pointing only toward the north; and,

(vii) There shall be no windows, balconies, or amenity areas above the first floor in the end units of either the southwesterly row of townhouses or the westerly leg of the perimeter building; and,

(viii) Balconies or other amenity areas above the first floor of the westerly unit of the southwestern row of townhouses shall not have line-of-sight to any portion of the Public Works Yard; and,

(ix) The owner undertake a vibration study to the satisfaction of the St. Lawrence and Hudson Railway Company; and,

(x) All of the units shall carry the following Warning Clause on all Agreements of Purchase and Sale or lease or reservation agreements and is to be registered on the title of the land:

"Occupants are advised that noise levels for the Public Works Yard and the Rail Yard may, at times be a concern, occasionally interfering with some activities of the dwelling occupants as the noise level may exceed the Ministry of Environment and Energy's noise guidelines."

The clause is to be to the satisfaction of the City Solicitor and the Director of the Planning and Development Department; and,

(xi) A visual barrier, between 1.8 and 2.0 m in height, be installed at the expense of the owner, separating the Railway Property from Studholme Road for that area opposite the subject lands. The fence shall be constructed from the eastern most terminus of the existing fence along the Railway property on the north side of Studholme Road to a point directly north of the western boundary of the subject property. The Fence shall be constructed on City lands and designed and constructed to the satisfaction of the Commissioner of Public Works and Traffic Department and the Director of the Planning and Development Department; and,

(xii) The owner pay 50% of the cost of constructing a sidewalk on the south side of Aberdeen Avenue between Studholme Road and the existing municipal sidewalk west of Chedoke Avenue; and,

(xiii) Studholme Road is to be constructed to an urban cross section and the method of financing be determined by the Transport and Environment Committee; and,

(xiv) Sidewalks shall be provided, at the owners cost, on Beddoe Drive and Studholme Road adjacent to the subject property; and,

(xv) A sidewalk shall be provided, at the owners cost, along one side of Studholme Road from the east side of Beddoe Drive to Aberdeen Avenue; and,

(xvi) Prior to the issuance of any building permits by the City of Hamilton, the applicant shall satisfy the Ministry of the Environment and Energy with respect to noise mitigation features for all buildings and structures; and,

(xvii) Development shall take place only in accordance with the site plan and development permit application approved, except where special conditions are to apply; and,

(xviii) The owner shall enter into a special servicing agreement with the Region to provide for the sanitary sewer connection form the subject lands to the intersection of Aberdeen Avenue and MacDonald Avenue. The cost of installing the sanitary sewer shall be paid for by the owner.

3. CITY CLERK

Sub-Committees of the Planning and Development Committee

The Committee was in receipt of a report dated 1997 November 28 from the City Clerk respecting the above noted matter and agreed that this matter be deferred until the next meeting of the Planning and Development Committee.

4. CITY SOLICITOR

By-Law to Provide for Maintaining Land in a Clean and Clear Condition

The Committee was in receipt of a report dated 1997 November 24 from the City Solicitor respecting the above-noted matter, and approved the following recommendation:

> That the By-law to amend By-law No. 84-35, attached hereto as Appendix "E" be enacted.

5. BUILDING COMMISSIONER

Demolition Condition Agreement - 266-280 King Street East

The Committee was in receipt of a report dated 1997 December 2 from the Building Commissioner on the above-noted matter.

The Committee was also in receipt of a written submission in this regard, dated 1997 November 7, from Mr. Frank Spallacci of Spallacci & Sons Ltd.

Following discussion the Committee approved the following recommendation:

(a) (i) That subject to subsection (ii) below, the Building Commissioner be authorized to deny an application for a demolition permit for the building located at 266-280 King Street East, in accordance with Demolition Control By-law 74-290 pursuant to the demolition control provisions of the Planning Act (sec.33); and,

(ii) That the Building Commissioner be authorized to issue a demolition permit for the building located at 266-280 King Street East subject to the following conditions:

(1) the applicant has applied for and received a building permit for a replacement building on this property; and,

(2) the said building permit specifies that replacement building be erected within four years of the demolition of the existing building on this property; and,

(3) the said building permit for the replacement building specifies if such replacement building is not erected within the said four year time limit, that the City be paid the sum of $340,000 ($20,000 for each of the seventeen dwelling units of the existing building that were demolished); and,

(4) the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk listed below) in a form satisfactory to the Building Commissioner and to the City Solicitor; and,

(5) if the said replacement building is not erected as required, the City Clerk be authorized to add the said sum to the

collector's roll, which sum shall remain a lien upon the property until paid; and,

(b) That Section (4) of the Second Report of the Planning and Development Committee adopted by Council 1996 February 13 be rescinded.

6. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

Ald. Marvin Caplan declared an interest in this matter due to his work in the real estate field and refrained from discussion and voting in this matter.

The Committee was in receipt of a report dated 1997 December 8 from the Secretary of the Local Architectural Conservation Advisory Committee, and approved the following recommendation:

(a) That the 180-day delay of demolition be applied to the designated property at 14 Belvidere Avenue known as "Bellevue", in accordance with the provisions of Section 34 of the Ontario Heritage Act, 1997; and,

(b) That the City Solicitor be authorized and directed to undertake the necessary action in this regard.

7. CONSENT AGENDA

The Committee was in receipt of its Consent Agenda and approved the following:

A. ADOPTION OF MINUTES

That the minutes of meetings held 1997 September 24, October 8 and October 22, together with the minutes of special meeting held 1997 September 24, were adopted as circulated.

B. BUILDING COMMISSIONER

(i) Barton Street Revitalization

The Committee was in receipt of a report dated 1997 November 10 respecting the above-noted matter and approved the following recommendation:

(a) That the remainder of the 1997 Festival Allocation be approved towards the Barton Village BIA Promotional Reception Budget, attached hereto as Appendix "F", as part of the Festival component of the Barton Street Revitalization Program; and,

(b) That the City Treasurer be authorized and directed to forward $6,089.42 to the Barton Village B.I.A.

*** Alderman Geraldine Copps opposed**

(ii) **Commercial Property Improvement Loan Program - 302 Barton Street East**

The Committee was in receipt of a report dated 1997 November 4 respecting the above-noted matter and approved the following recommendation:

(a) (i) That a secured loan in the amount of twenty-five thousand dollars ($25,000) to Fernando & Maria DeSousa, for improvements to 302 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.63 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars ($12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,

(b) (i) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars ($5,000) to Fernando & Maria DeSousa, for improvements to 302 Barton Street East be approved, subject to fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.63 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of two thousand, five hundred dollars ($2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

*** Ald. Geraldine Copps opposed**

(iii) **Commercial Property Improvement Loan Program - 460 Barton Street East**

The Committee was in receipt of a report dated 1997 October 24 respecting the above-noted matter and approved the following recommendation:

(a) (i) That a secured loan in the amount of twenty-five thousand dollars ($25,000) to 972493 Ontario Limited, for improvements to 460 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.63 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars

($12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,

(b) (i) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars ($5,000) to 972493 Ontario Limited, for improvements to 460 Barton Street East be approved, subject to fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.63 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of two thousand, five hundred dollars ($2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

(iv) Demolition - 11 Emerald Street South

The Committee was in receipt of a report dated 1997 November 24 respecting the above-noted matter and approved the following recommendation:

That the Building Commissioner be authorized to issue a demolition permit for 11 Emerald Street South in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(v) Gore Heritage 2000 Program - 19-31 King Street East

The Committee was in receipt of a report dated 1997 December 3 respecting the above-noted matter and approved the following recommendation:

That a grant under the Gore Heritage 2000 Program in the amount of $40,000 to Aragon (King Street) Properties (Ontario) Ltd., registered owner of the former Woolworth building at 19-31 King Street East be approved for facade improvements.

(vi) Gore Heritage 2000 Program - 123-125 King St. E.

The Committee was in receipt of a added report dated 1997 December 5 respecting the above-noted matter and approved the following recommendation:

That a grant under the Gore Heritage 2000 Program in the amount of $2,288 to Richard Gerofsky, Wilfred Gerofsky, and Molly Gerofsky, registered owners of 123-125 King Street East be approved for facade improvements.

C. DIRECTOR OF PLANNING AND DEVELOPMENT

(i) **Zoning Application 96-14, by 1104729 Ontario Limited (Allan Goulding) for Removal of the "H" (Holding) Symbol for Property Located at 141 Queenston Road**

The Committee was in receipt of a report dated 1997 November 10 respecting the above noted matter and approved the following recommendation:

(1) That approval be given to Zoning Application 96-14, 1104729 Ontario Limited (Allan Goulding), owner, requesting a removal of the 'H' (Holding) symbol provision under Section 36(1) of the Planning Act, R.S.O., 1990, to allow for the development of the subject lands for six (6) residential lots fronting Berkindale Drive (Block "1") and an auto repair garage, except paint and auto body repair, and a manual carwash consisting of eight(8) bays (Block "2") located at the rear of 141 Queenston Road, shown on the attached map marked as Appendix "G"; and,

(2) That the Director of the Planning and Development Department be directed to prepare a By-law to amend Zoning By-law No. 6593 as amended by By-law No. 96-041, for presentation to City Council.

(ii) **"Rymal Square Estates - Phase 7", Hamilton**
"Timothy Survey - Phase 1", Hamilton
"Wisemount Estates - Phase 9", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

The Committee was in receipt of a report dated 1997 November 5 respecting the above-noted matter and approved the following recommendation:

That the City of Hamilton accept the sum of $ 33,750.00 in connection with "Rymal Square Estates - Phase 7", Hamilton, the sum of $ 52,500.00 in connection with "Timothy Survey- Phase 1 and the sum of $ 38,850.00 in connection with "Wisemount Estates - Phase 9" as the cash payments in lieu of the 5% land dedication required under Section 51 of the Planning Act.

(iii) **Proposed Site Plan Control By-law for Lands Located at No. 1200 Barton Street East**

The Committee was in receipt of a report dated 1997 October 28 respecting the above-noted matter and approved the following recommendation:

That Schedule "A" to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-233, be further amended by adding the lands located at No. 1200 Barton Street East, as shown on the attached Appendix "H", and that the Site Plan Control By-law attached as Appendix "I", be presented to City Council for adoption.

(iv) Modification to OPA No 143 - No. 220 Dundurn Street South

The Committee was in receipt of a report dated 1997 November 10 respecting the above-noted matter and approved the following recommendation:

(1) That City Council request the Regional Municipality of Hamilton Wentworth to modify Official Plan Amendment No. 143, for the property located at No. 220 Dundurn Street South, as shown on the attached map marked as Appendix "J", on the following basis:

(a) The following new Policy be added to Section A.2.9.3 - Other Policy Areas as Policy A.2.9.3.69:

(i) "That notwithstanding Policy A.2.3.7, Residential uses shall be permitted within 400 metres of a heavy industrial area"; and,

(b) The following be added to Schedule "B" - Other Special Policy Areas:

(i) "Special Policy Area No. 74"; and,
(ii) "Area 74 refer to Policy A.2.9.3.69" in the legend, as shown on the attached Schedule "B"; and,

(2) That the City Clerk be requested to inform the Region of the City's decision.

(v) **Part Lot Control Application - PLC-97-04 - Wisemount Estates Phase 8**

The Committee was in receipt of a report dated 1997 December 3 respecting the above-noted matter and approved the following recommendation:

(1) That approval be given to Part Lot Control Application 97-04, 822827 Ontario Inc. (J. Parente, owner, to remove part-lot control from Registered Plan 62M-826, "Wisemount Estates - Phase 8", as shown on the attached map marked as Appendix "K"; and,

(2) That the City Solicitor be directed to prepare a By-law to remove part lot control from Registered Plan 62M-826 "Wisemount Estates, Phase 8" plan of subdivision, for presentation to City Council; and,

(3) That following the enactment of this By-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the By-law and endorse the same on the By-law.

D. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

(i) Barton Village business Improvement Area (B.I.A.) - Revised Board of Management

The Committee was in receipt of a report dated 1997 October 30 respecting the above noted-matter and approved the following recommendation:

(1) That Schedule "B" of By-law No. 97-196, appointing the Barton Village B.I.A. Board of Management, be repealed and the following names substituted:

Schedule "B"

K. Cody	Codys Home Decor Inc.
M. Tollis	The Riviera Banquet Centre
J. Hilger	Ways to Wisdom
M. Wright	Bank of Montreal
D. Tranor	Dell Pharmacy
N. LaSala	Nick's Auto Service
J. Howard	Econ-o-wash Laundry

(2) That the City Solicitor be directed to amend Schedule "B" of By-law No. 97-196 pursuant to (1) above.

(ii) Downtown Hamilton Business Improvement Area (B.I.A.) - Revised Board of Management

The Committee was in receipt of a report dated 1997 October 30 respecting the above-noted matter and approved the following recommendation:

(1) That Schedule "B" of By-law No. 97-209, appointing the Downtown Hamilton B.I.A. Board of Management, be repealed and the following names substituted:

Schedule "B"

J. Livingston	Livingston Furs
R. Harris	Harris and Henderson
A. Peckham	The Royal Bank
R. Ianuzzi	Canadian Imperial Bank of Commerce
K. Findlay	KD Findlay
G. Attard	The Ramada Hotel
D. Broker	Royal Connaught Howard Johnson Hotel
R. Titian	Reggie's Music and Sound
R. Letourneau	Just Imagine Printing
A. Herpers	Herpers, Gowling Inc.
R. Sorenson	Sundried Tomatoes
M. McNally	Jesset Investments
K. Wiegand	McCarthy Hearing Aids

(2) That the City Solicitor be directed to amend Schedule "B" of By-law No. 97-209 pursuant to (2) above.

(iii) Ottawa Street Business Improvement Area (B.I.A.) - Revised Board of Management

The Committee was in receipt of a report dated 1997 October 24 respecting the above-noted matter and approved the following recommendation:

(1) That Schedule "B" of By-law No.97-176 appointing the Ottawa Street B.I.A. Board of Management be repealed and the following names substituted:

Schedule "B"

John Driscoll	Ottawa Market and Discount Center
John Gut	Textile Centre
Tony Bifano	Anton Video
Greta Munt	Greta's Flair
Daniel Kwiatkowski	Beach Road Meats
Toby Yull	Toby's Interior Design
John Bazinet	L. G. Wallace Funeral Home
Irena Bogovic	Adriana's Love Angels
Bill Hodge	Hamilton Vacuum Supply
Manny Fresco	Campbell Glass and Mirror

(2) That the City Solicitor be authorized and directed to amend By-law No. 97-176 pursuant to (1) above.

(iv) Revised Board of Management 1997; Main Street West Esplanade Business Improvement Area (B.I.A.)

The Committee was in receipt of a report dated 1997 October 24 respecting the above-noted matter and approved the following recommendation:

(1) That Schedule "B" of By-law No. 97-197, appointing the Main Street West Esplanade B.I.A. Board of Management, be repealed and the following names substituted:

Schedule "B"

J. Bourinot	Dairy Queen
I. Kobylanski	Izzy's Restaurants
M. Farrugia	Calla Decor and Design
J. Castellano	Castellano Real Estate
J. Morrison	Royal Bank
B. Hughes	Tim Hortons
M. Gunn	Mor Car Wash

(2) That the City Solicitor be authorized and directed to amend Schedule "B" of By-law No. 97-197, and replace it pursuant to (1) above.

(v) **International Village Business Improvement Area (B.I.A.) Proposed Budget Schedule of Payments for 1998**

The Committee was in receipt of a report dated 1997 November 21 respecting the above-noted matter and approved the following recommendation:

(1) That the 1998 operating budget for the International Village B.I.A., attached hereto as Appendix "L", be approved in the amount of forty-nine thousand, five hundred and fifty dollars ($49,550); and,

(2) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 1998 budget as referenced in (a) above; and,

(3) That the following schedule of payments for 1998 be approved:

January 01	$24,775.
September 01	$24,775.

NOTE: 1997 levy arrears will be deducted from the payments for 1998.

(vi) **International Village Business Improvement Area (B.I.A.) 1998-2000 Board of Management**

The Committee was in receipt of a report dated 1997 November 26 respecting the above-noted matter and approved the following recommendation:

That Schedules "A" and "B" of By-law No. 86-212, as amended, appointing the International Village B.I.A. Board of Management be repealed and the following names substituted:

Schedule "A"

Alderman A. Horwath
Alderman R. Corsini

Schedule "B"

Joe Collura	227 King Street East, Hotelevision (tenant)
John Kenyon	200 King Street East, Payne Music (tenant)
Paul Kircos	223-225 King Street East (owner)
Wolfgang Schoen	255 King Street East, The Black Forest (tenant)
Steve Stricker	225 King Street East, Wylde Tattoo (tenant)
Dean Taylor	233 King Street East, Hudsons (tenant)
Gord Thompson	190 King Street East (owner)

(vii) **Westdale Village Business Improvement Area (B.I.A.) Proposed 1998 Operating Budget**

The Committee was in receipt of a report dated 1997 December 1 respecting the above-noted matter and approved the following recommendation:

(1) That the 1998 operating budget of the Westdale Village B.I.A., attached hereto as Appendix "M", be approved in the amount of $35,000; and,

(2) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1998 budget as referenced in (1) above; and,

(3) That the following Schedule of Payments for 1998 be approved:

January 01	$11,000.
March 01	$ 8,000.
June 01	$ 8,000.
September 01	$ 8,000.

NOTE: 1997 Levy arrears will be deducted from the payments for 1998

(viii) **Westdale Village Business Improvement Area (B.I.A.) 1998-2000 Board of Management**

The Committee was in receipt of a report dated 1997 December 1 respecting the above-noted matter and approved the following recommendation:

(1) That Schedule "B" of By-law No. 97-030 appointing the Westdale Village BIA Board of Management be repealed and the following names substituted:

Mary Beth Ledden	Judy Marsales Real Estate Ltd. 986 King St West, (Owner)
David Simpson	Simpson, Watson, & Vujnovic Lawyer 950 King St West, (Owner)
Gene Ditner	Cottage Florist 1033 King St West, (Owner)
Shelagh Snider	The Picture Frame 1045 King St West, (Owner)
John Mouskos	New Village Restaurant 988 King St West, (Owner)
David Thorne	Truth 1044 King St West, (Tenant)
Reg Lahie	Jack Carruth Shoes 1051 King St West, (Owner)

(2) That the City Solicitor be authorized and directed to amend By-law 97-030 pursuant to (1) above.

(ix) **Concession Street Business Improvement Area (B.I.A.) - Revised Board of Management**

The Committee was in receipt of a report dated 1997 December 1 respecting the above-noted matter and approved the following recommendation:

That Schedule "A" and "B" of By-law No. 86-144, as amended, appointing the Concession Street B.I.A. Board of Management be repealed and the following names substituted:

Schedule "A"

Alderman T. Anderson
Alderman B. Kelly

Schedule "B"

Debbie Johnson	576B Concession St., Why Pay More (Tenant)
Paul Wharton	552 Concession St., Wharton Copy Print (Owner)
Rodger Burrough	588 Concession St., Camtech Photo Services (Owner)
Jan Engbers	540 Concession St., Toronto Dominion Bank (Owner)
John Woolcott	536 Concession St., Woolcott Shoes (Owner)
Betty Toplack	560 Concession St., Mountain Book Store (Tenant)

(x) **Concession Street Business Improvement Area (B.I.A.) Proposed 1998 Operating Budget**

The Committee was in receipt of a report dated 1997 December 1 respecting the above-noted matter and approved the following recommendation:

(1) That the 1998 operating budget of the Concession Street B.I.A., attached hereto as Appendix "N", be approved in the amount of $12,000.; and,

(2) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1998 budget as referenced in (1) above; and,

(3) That the following Schedule of Payments for 1998 be approved:

January 01	$3,000.
March 01	$3,000.
June 01	$3,000.
September 01	$3,000.

NOTE: 1997 levy arrears will be deducted from the payments for 1998.

E. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

(i) Heritage Permit Application - 109 Charles Street

The Committee was in receipt of a report dated 1997 November 7 respecting the above-noted matter and approved the following recommendation:

That a Heritage Permit be approved for the north unit (#109) of the 1850s semi-detached stone cottage at 109-111 Charles Street, located within the MacNab-Charles Heritage Conservation District, to undertake the following work:

(1) rebuild the brick masonry wall (east facade) of the rear addition; and,

(2) re-install the existing six-over-six sash window in the new opening and install a new window to match in place of the present doorway (both windows to have arched brick lintels and stone sills to match the rear windows of 111 Charles Street).

(ii) Hamilton Beach Lighthouse and Keeper's Dwelling - National Historic Site

The Committee was in receipt of a report dated 1997 November 10 respecting the above-noted matter and approved the following recommendation:

That a letter be sent to the Historic Sites and Monuments Board of Canada requesting that the Hamilton Beach lighthouse complex, comprising the original 1858 stone Imperial Tower and the adjacent 1857 brick keeper's dwelling, be evaluated for recognition as a National Historic Site.

F. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

(i) 1998 Planning and Development Committee Schedule

The Committee was in receipt of a report dated 1997 December 2 on the above-noted matter and approved the following:

PLANNING AND DEVELOPMENT COMMITTEE

SCHEDULE OF MEETINGS FOR 1998

Report titles to be listed in the "S" Directory by 5:00 o'clock p.m.	Reports to be submitted to Committee Secretary by 12:00 o'clock noon.	Agenda Review Meetings @ 10:00 o'clock a.m. in Room 264.	Committee Meetings @ 9:30 o'clock a.m. in Room 233.	City Council Meetings @ 7:30 o'clock p.m.
January 9	January 13	January 15	January 21	January 27
January 23	January 27	January 29	February 4	February 10
February 6	February 10	February 12	February 18	February 24
February 20	February 24	February 26	March 4	March 10
March 13	March 17	March 19	March 25	March 31
March 27	March 31	April 2	April 8	April 14
April 9	April 14	April 16	April 22	April 28
April 24	April 28	April 30	May 6	May 12
May 8	May 12	May 14	May 20	May 26
June 12	June 16	June 18	June 24	June 30
June 26	June 30	July 2	July 8	July 14
August 7	August 11	August 13	August 19	August 25
September 11	September 15	September 17	September 23	September 29
September 25	September 29	October 1	October 7	October 13
October 9	October 13	October 15	October 21	October 27
October 23	October 27	October 29	November 4	November 10
November 6	November 10	November 12	November 18	November 24
November 20	November 24	November 26	December 2	December 8

(ii) Information Items

The Committee was in receipt of a report dated 1997 November 26 respecting the above-noted matter and approved the following recommendation:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(1) Site Plans for Approval.

(2) Local Architectural Conservation Advisory Committee - Minutes of Meeting Held 1997 October 6.

(3) Planning and Development Department Quarterly report as at 1997 September 30.

(4) Building Department Quarterly Report as at 1997 September 30.

(5) Report of the Steering Committee Established to Address the Impact of Bill 106 on Business Improvement Areas, dated 1997 November 10.

8. OTHER BUSINESS

(i) Alderman Terry Anderson requested that the process for holding security deposits for developers be reviewed. He cited a particular situation in Ward 7 where money was being held for work which was already completed. The Chairperson suggested that Ald. Anderson consult with Building Commissioner Len King in this regard to see if the issue could be resolved.

9. ADJOURNMENT

There being no further business, the Committee meeting adjourned.

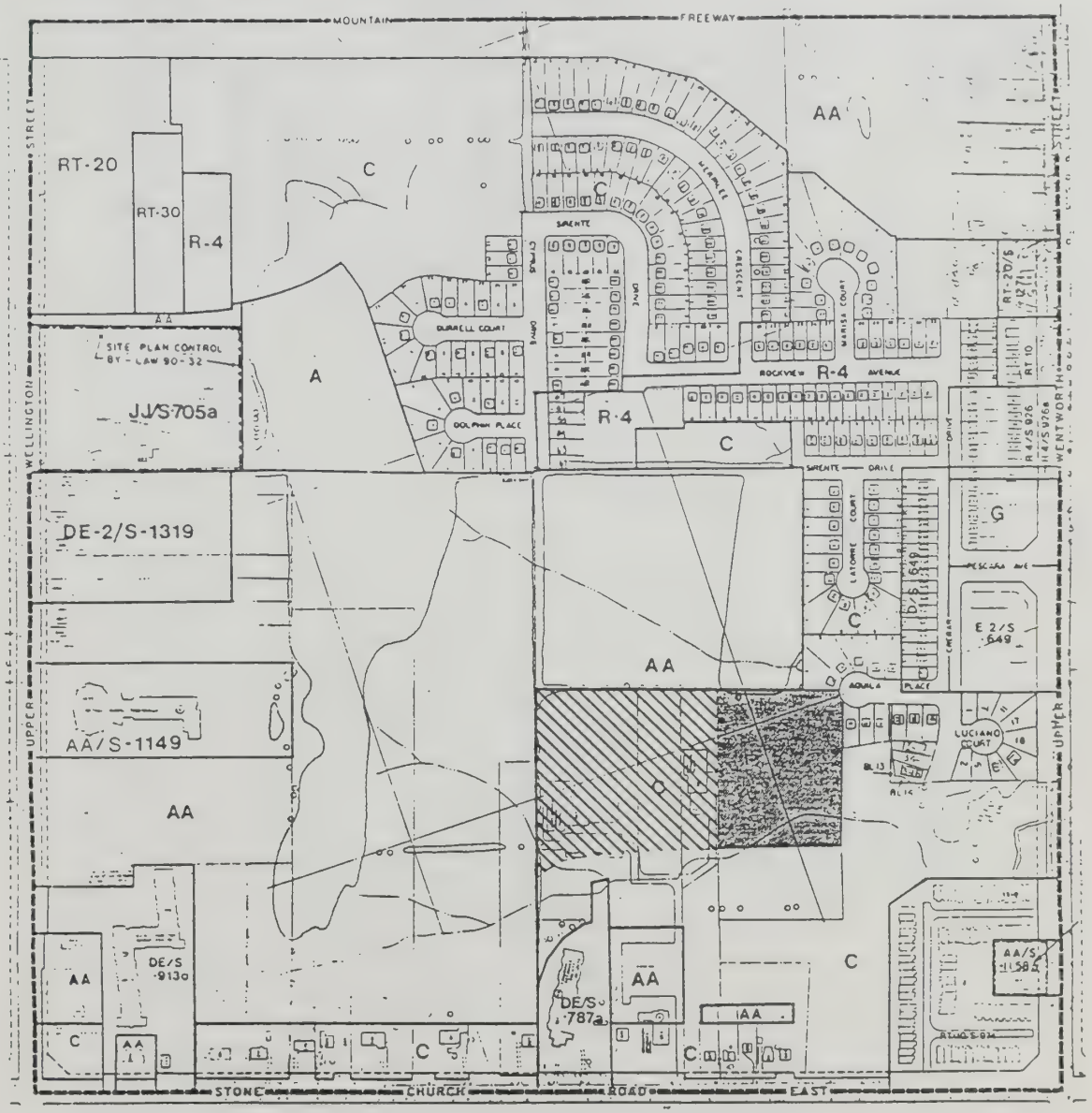
Alderman F. D'Amico, Chairman
Planning and Development Committee

Stella Glover
Secretary

/jt

Appendix "A" as referred to in Section 1(a)
of the Planning and Development Committee
Minutes dated 1997 December 11

Crerar (33)



Legend

Site of the Application

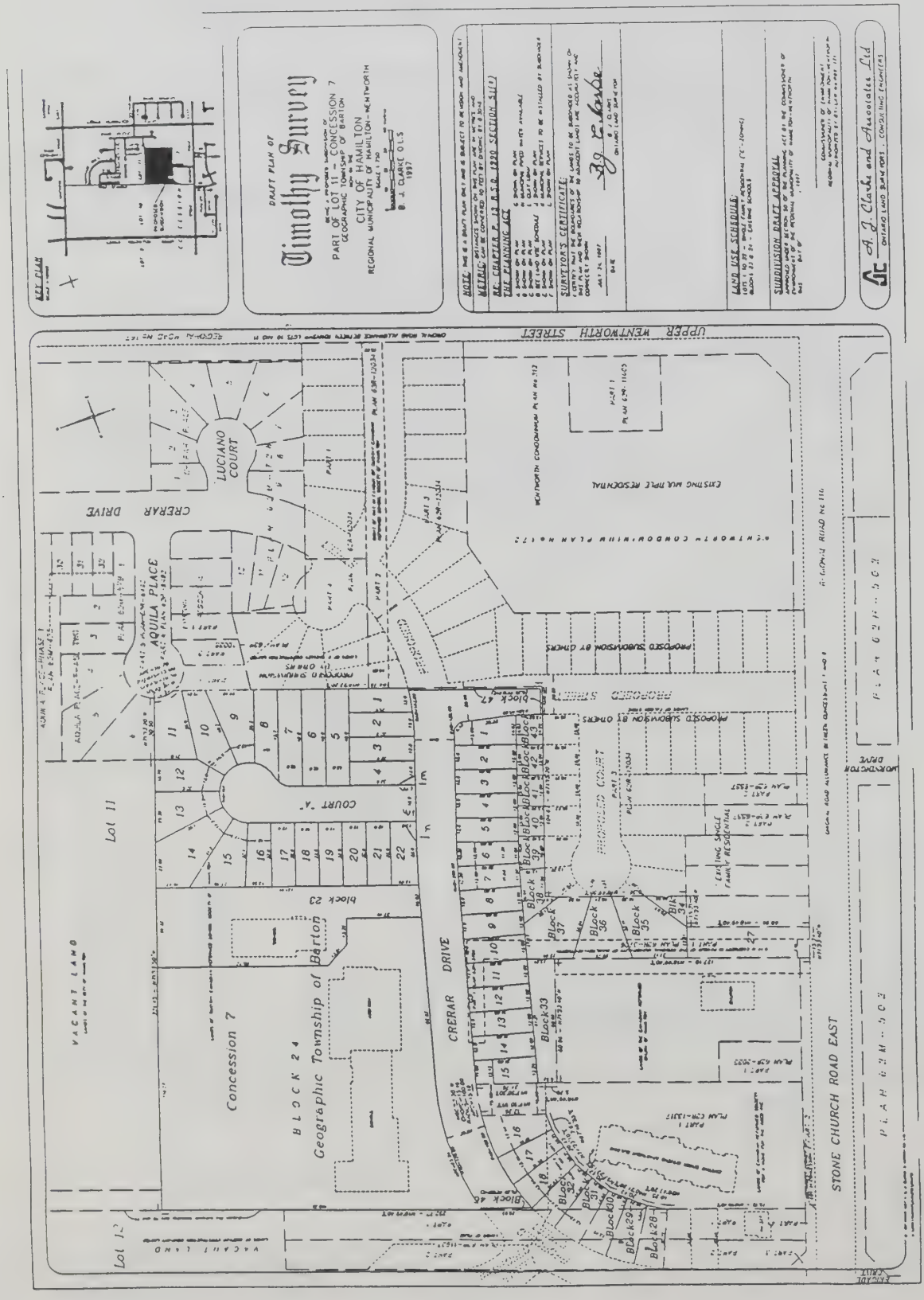
City of Hamilton

Location Map

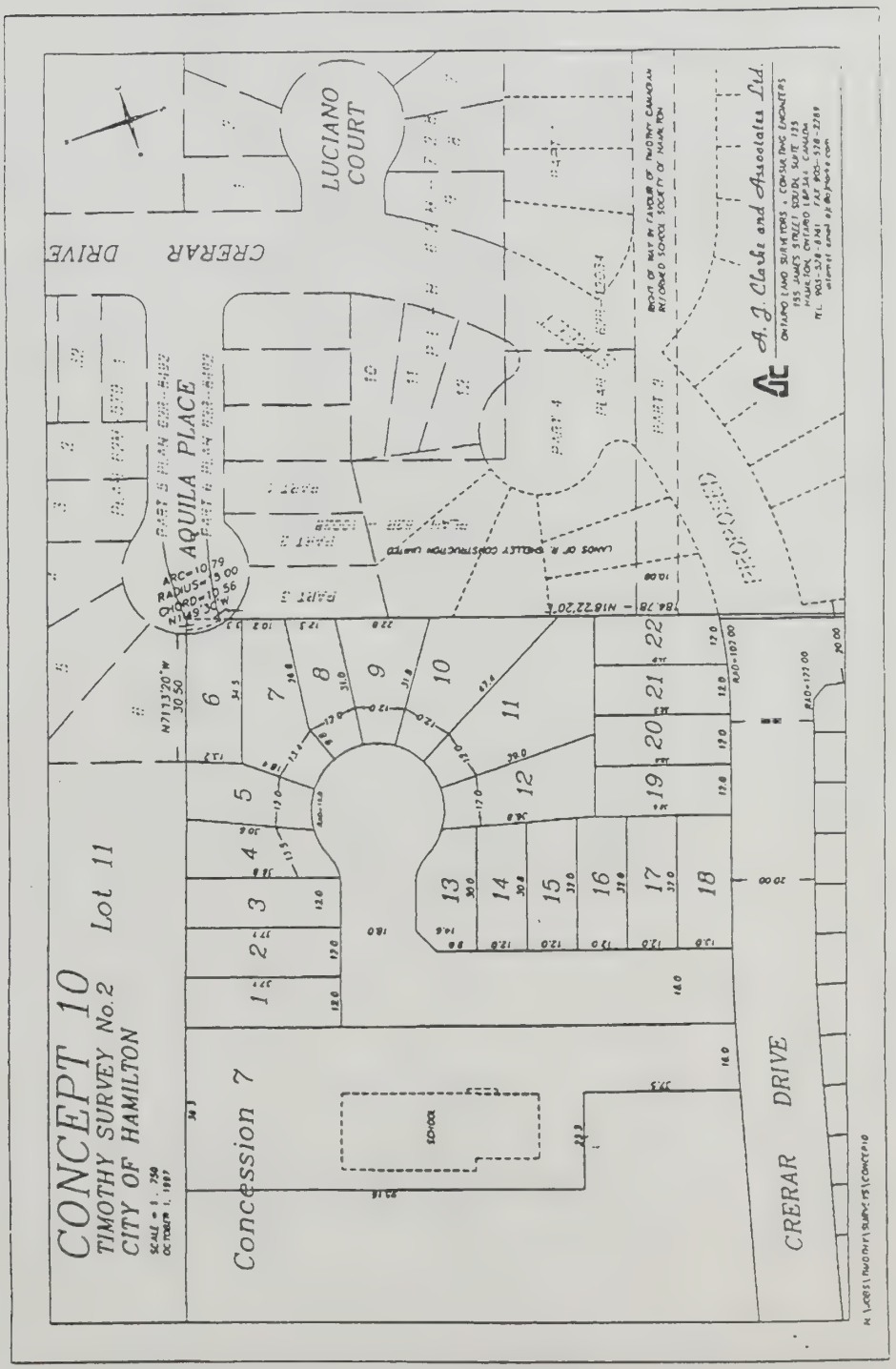
Planning and Development Department

North	Scale	File No.
	NOT TO SCALE	25T-94001(R)
	Date	Drawn By
	November, 1997	R. L

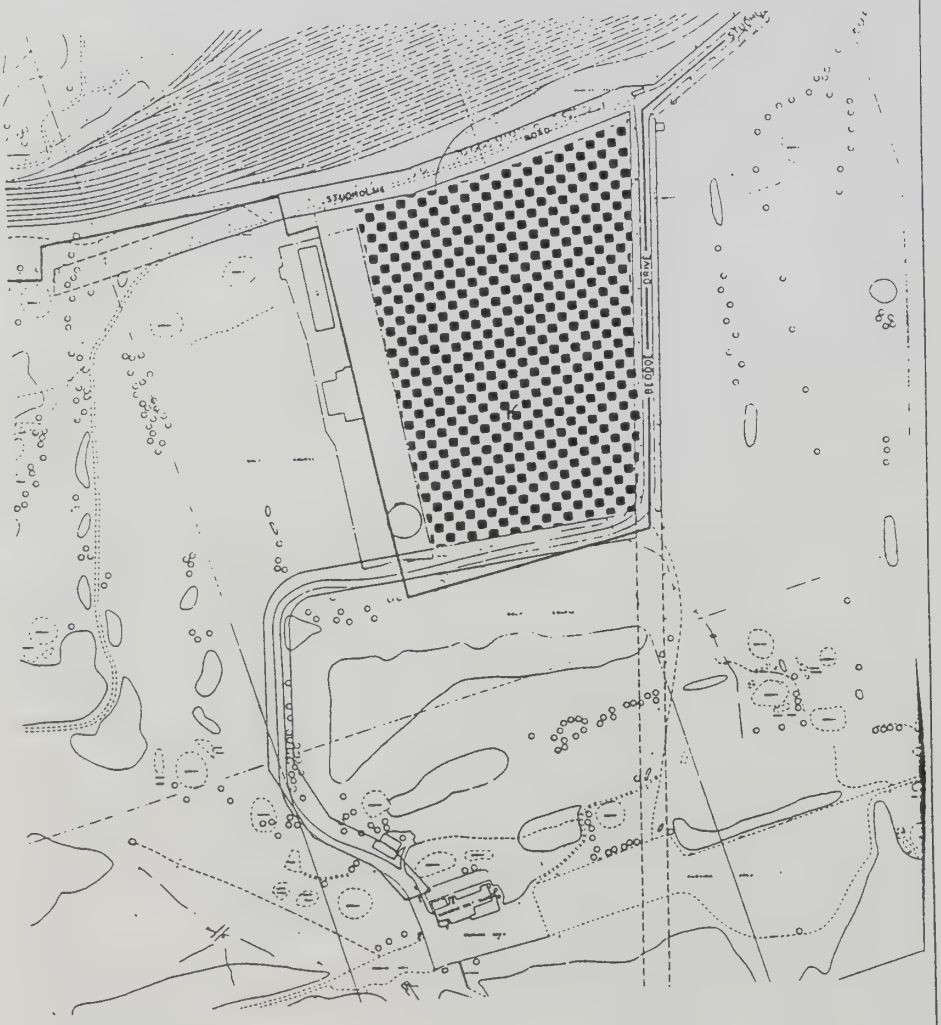
Appendix "B" as referred to in Section 1(a)(i)
of the Planning and Development Committee
Minutes dated 1997 December 11



Appendix "C" as referred to in Section 1(c)
of the Planning and Development Committee
Minutes dated 1997 December 11



Appendix "D" as referred to in Section 2(a)
of the Planning and Development Committee
Minutes dated 1997 December 11



Changes to the Hamilton Official Plan

1. Schedule "A" - Land Use Concept of the Official Plan: Redesignate from "Industrial" to "Residential".
2. Schedule "B" - Special Policy Areas: Add as a new Special Policy Area.

Appendix "E" as referred to in Section 4
of the Planning and Development Committee
Minutes dated 1997 December 11

Bill No

The Corporation of the City of Hamilton

BY-LAW NO. 98-

To Amend By-law No. 84-35

To Provide For:

MAINTAINING LAND IN A CLEAN AND CLEAR CONDITION

WHEREAS By-law No. 84-35 was enacted on the 14th day of February, 1984;

AND WHEREAS Council, on October 14, 1997, in adopting Section 5 of the 15th Report of the Planning and Development Committee authorized this By-law;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows

1. Section 1 of By-law No. 84-35 is amended by the addition of the following:

   (m) "buffer strip" means a minimum one metre (3.28 feet) wide border along the property line which surrounds a wildflower, meadow or naturalized area on an occupied property. Without restricting the generality of the foregoing, the buffer strip may include turf grass, non-organic ground cover or organic ground cover, such as hedges, to a maximum height of 60 centimetres (24 inches).

   (l) "turf grass" means a regularly maintained area consisting of grass species such as bluegrass, fescue and perennial rye grasses, which is maintained to a maximum height of 20 centimetres (8 inches).

2. Subsection (4) of Section 2 of By-law No. 84-35 is repealed and replaced by the following:

   (4) For the purposes of subsection 2 (1), "clean or cleared up" includes the removal of weeds or grass more than eight inches in height in turf grass areas. Wildflower, meadow and naturalized areas are permitted, provided that they do not encroach within the required one metre (3.28 feet) buffer strip surrounding the lot line and provided that the wildflower, meadow or naturalized areas shall be managed under the Weed Control Act.

PASSED this day of ,1997.

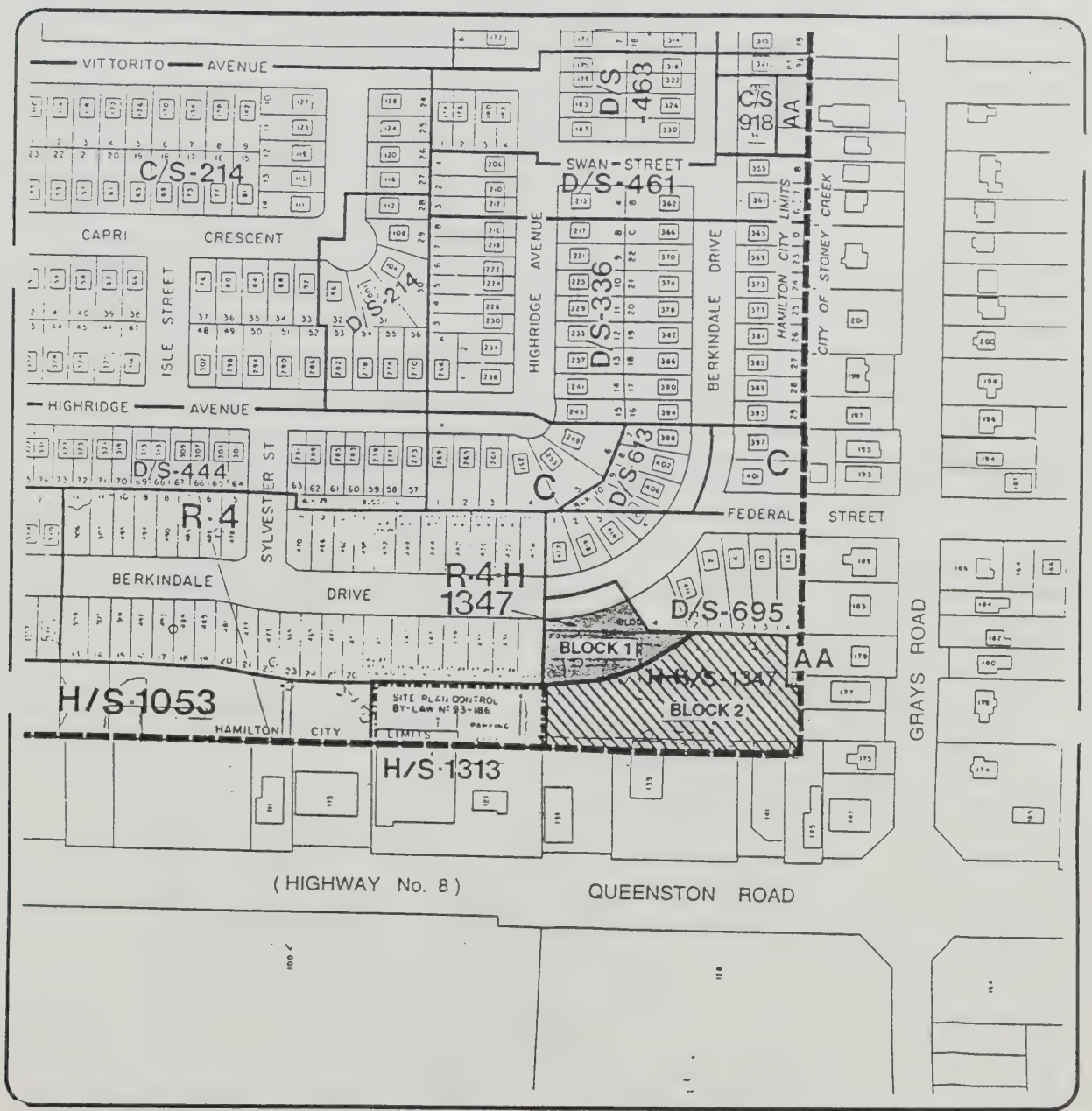
CITY CLERK MAYOR

Appendix "F" as referred to in Section B.(i)(a)
of the Planning and Development Committee
Minutes dated 1997 December 11

BARTON VILLAGE BIA PROMOTIONAL RECEPTION

Banquet Hall/Food/Refreshments	$1,100
Folders and Inserts	$1,000
Entertainment	$ 100
Expo Board	$ 800
Facade Study	$3,750
Invitations and Postage	$ 190
Miscellaneous Office Supplies	$ 100
Sub-total	$7,040
10% Contingency	$ 704
TOTAL	**$7,744**

Appendix "G" as referred to in Section C.(i)(1)
of the Planning and Development Committee
Minutes dated 1997 December 11



Legend

BLOCK 1 — From "R-4"-'H' (Small Lot Single Family Dwelling - Holding) District To "R-4"(Small Lot Single Family Dwelling) District.

BLOCK 2 — From "H"-'H' (Community Shopping and Commercial, etc. - Holding) District, Modified To "H" (Community Shopping and Commercial, etc.) District, Modified.

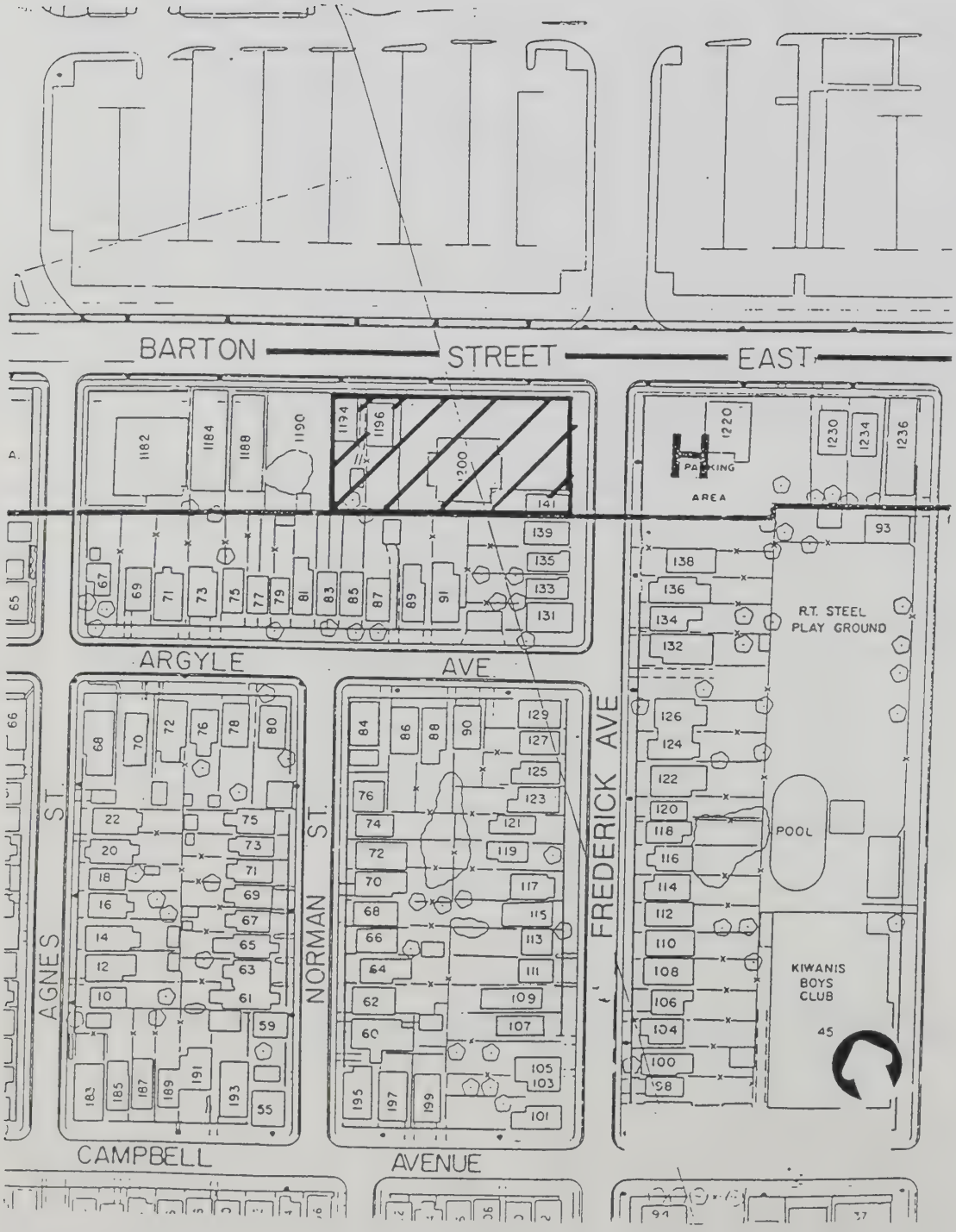
City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	ZAC-96-14
	Date	Drawn By

Appendix "H" as referred to in Section C.(iii)
of the Planning and Development Committee
Minutes dated 1997 December 11



Appendix "I" as referred to in Section C.(iii)
of the Planning and Development Committee
Minutes dated 1997 December 11

Bill No. C-

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Establish:

Site Plan Control

Respecting:

LAND LOCATED AT MUNICIPAL NO.
1200 BARTON STREET EAST

WHEREAS By-law No. 79-275, passed on the 25th day of September 1979, under Section 35a of the Planning Act, as re-enacted by the Planning Amendment Act, 1979, S.O. 1979, Chapter 59, Section 1, [now Section 41 of the Planning Act, R.S.O. 1990, c. P. 13], as amended by By-law No. 87-223, passed on the 28th day of July 1987, established site plan control in various parts of the City of Hamilton as of November 1, 1979;

AND WHEREAS it is desirable to amend By-law No. 79-275 to establish site plan control on the land hereinafter referred to.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "B" to By-law No. 79-275 is amended by adding the following thereto:

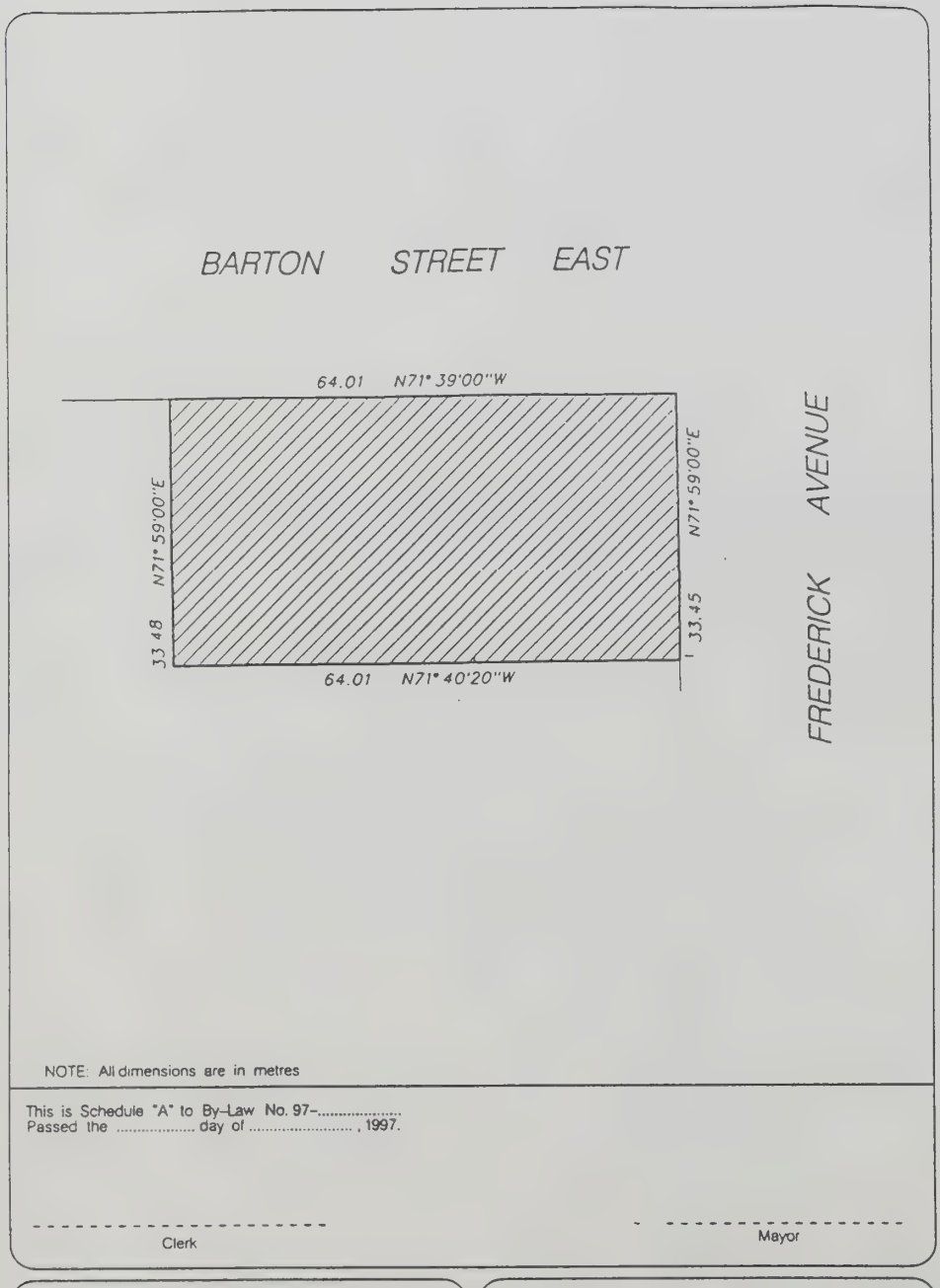
   166. Land located at Municipal No. 1200 Barton Street East, shown on Appendix 166 hereto annexed and forming part of this by-law.

2. Appendix 166 to By-law No. 79-275 is hereto annexed as Schedule "A", and forms part of this by-law, and By-law No. 79-275, as amended.

PASSED this day of A.D. 1997

CITY CLERK MAYOR

(1997) 17 R.P.D.C. , November 25
Penwin Enterprises Inc., Owner
A-97-239



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 97-.....
Passed the ..... day of ..... , 1997.

Clerk

Mayor

City of Hamilton

Appendix 166

to the By-Law No. 79-275

as Amended by By-Law No. 87-223

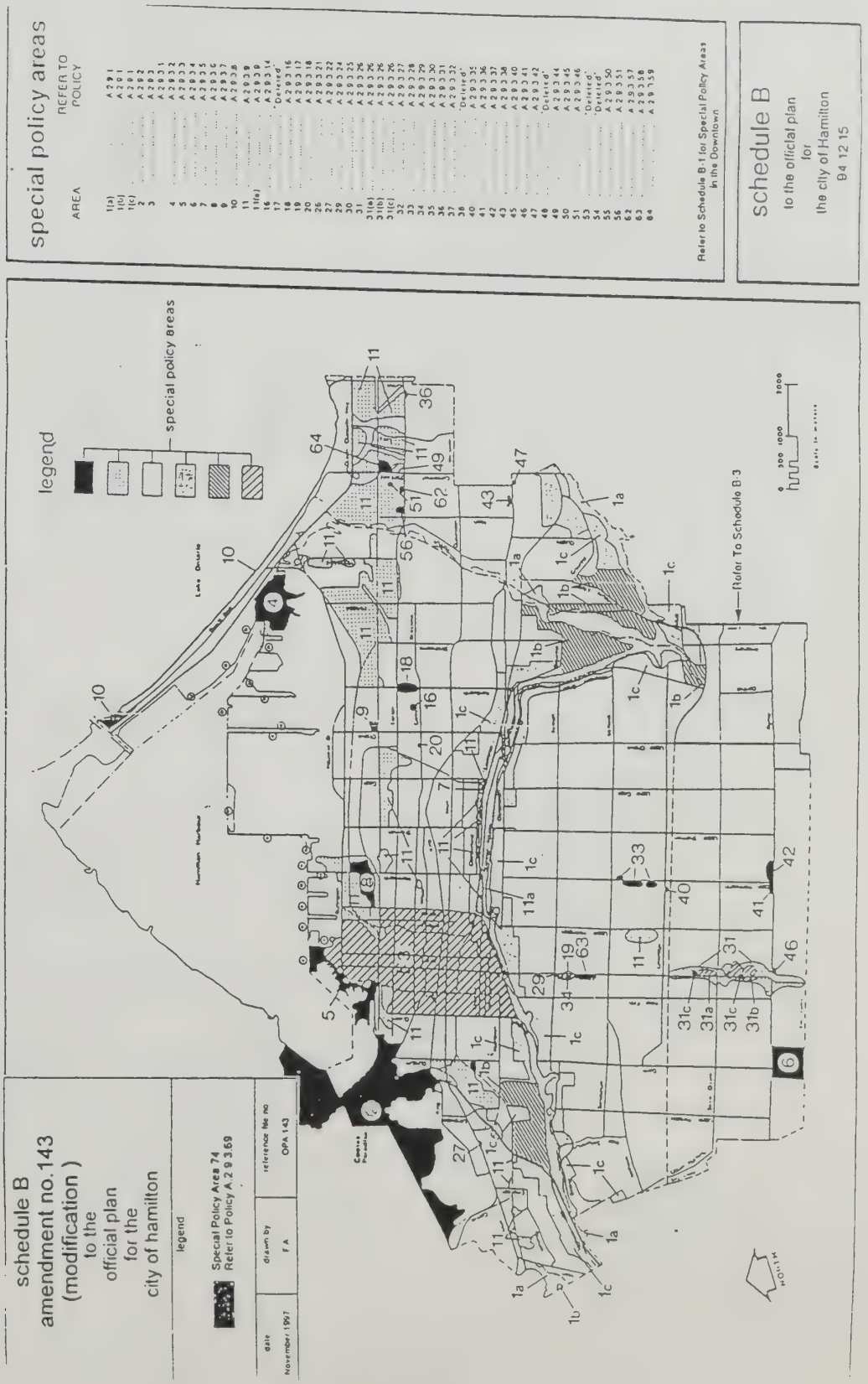
Planning and Development Department

Legend

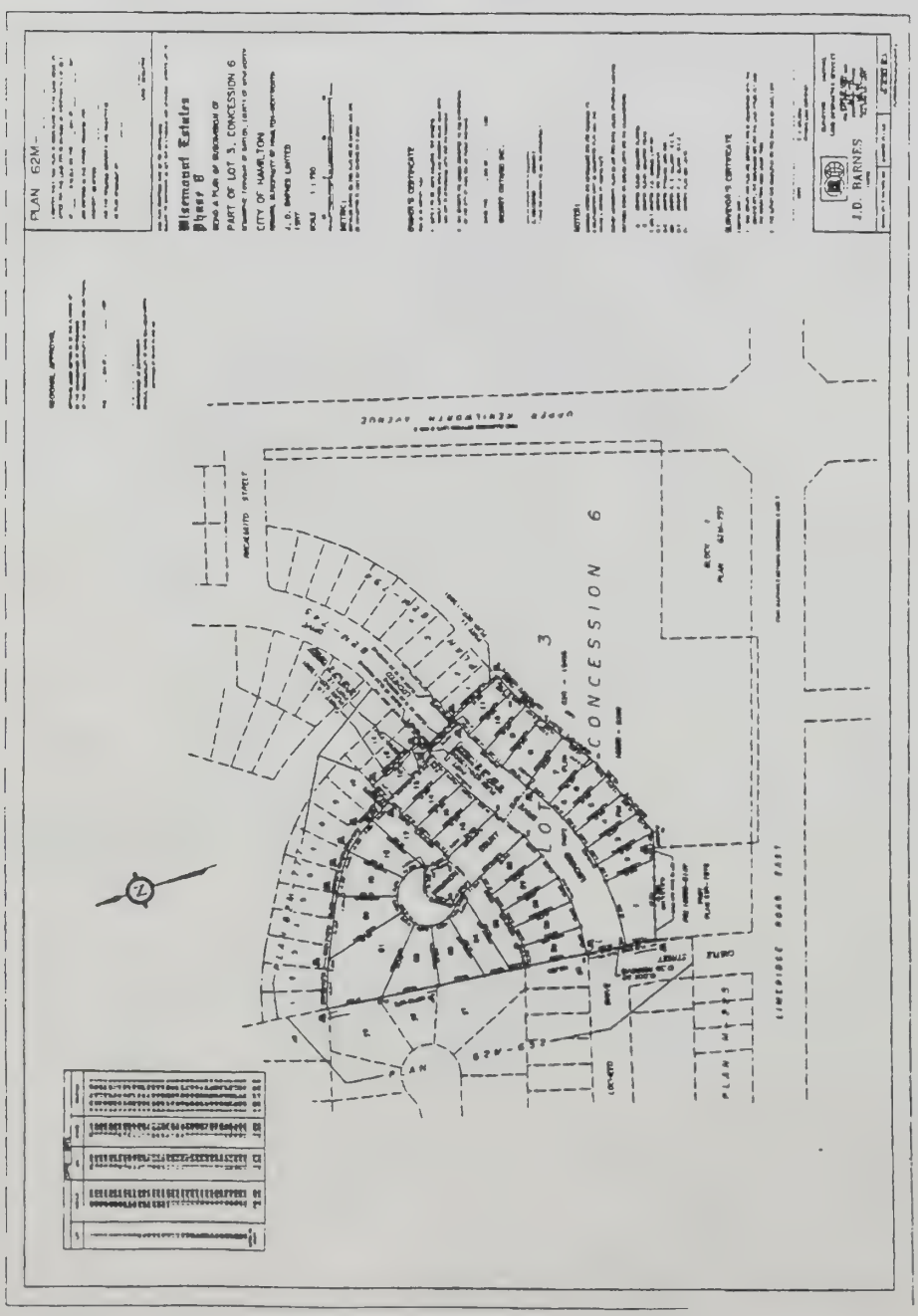
Lands designated under this By-Law as an area of Site Plan Control pursuant to section 41 of the Planning Act, R. S. O. 1990.

North	Scale	Reference File No
	NOT TO SCALE	A-97-239
	Date	Drawn By
	November 1997	B B

Appendix "J" as referred to in Section C.(iv)(1)
of the Planning and Development Committee
Minutes dated 1997 December 11



Appendix "K" as referred to in Section C.(v)(1)
of the Planning and Development Committee
Minutes dated 1997 December 11



Appendix "L" as referred to in Section D.(v)(1)
of the Planning and Development Committee
Minutes dated 1997 December 11

Hamilton's
INTERNATIONAL
Village

King Street East
between Wellington
and Mary

PROPOSED BUDGET

		1997 Actual	1998 Proposed
OPERATIONS:			
Rent		$ 00.	$2,000.
Utilities		1,785.	1,000.
Telephone		1,039.	1,200.
Office Supplies		2,240.	1,500.
Equipment Repair/Purchase		750.	750.
Bank Charges		250.	300.
	Total	$6,064.	$6,750.
WAGES:			
Executive Director		$20,000.	$20,000.
Wage Costs		3,000.	3,500.
	Total	$23,000	$23,500.
Insurance		$1,332.	$1,400.
Audit		321.	400.
Print/Postage $2,000.			
Advert/Promo 3,000.		8,328.	5,000.
	Total	$9,981.	$6,800.
Allowance, Uncollected Levies		$14,000.	$12,500.
	Total	$52,045.	$49,550.

1998 Budget Requirement $49,550.00

Appendix "M" as referred to in Section D.(vii)(1)
of the Planning and Development Committee
Minutes dated 1997 December 11

WESTDALE VILLAGE B.I.A.

Proposed Budget 1998
$35,000

Uncollectible levies	$5,000.00
Fixed Expenses	$15,000.00
Audit fees, Director's insurance, comprehensive insurance, fax & copy charges, Board Meeting meals, beautification, office supplies, office space, staff, phone, miscellaneous.	
Marketing & Advertising	$15,000.00
	$35,000.00

THE FOLLOWING INFORMATION WAS ADOPTED BY WESTDALE VILLAGE BIA WITH RESPECT TO THE EXPENDITURE OF THE $35,000, TO BE APPROVED ACCORDING TO THE FOLLOWING DISCRETIONARY SPENDING POLICY:

0-$25.99 MAY BE SPENT WITHOUT BOARD OF MANAGEMENT APPROVAL. DETAILED INVOICES/RECEIPTS MUST BE SUBMITTED TO THE TREASURER.

$26.00-$999.99 MAY BE SPENT WITH 5 BOARD DIRECTORS SIGNATURES MANDATORY ON THE PURCHASE ORDER BEFORE A CHEQUE IS ISSUED.

$1000.00-$4999.99 AT THE WILL OF THE BOARD OF MANAGEMENT, THIS AMOUNT OF MONEY MAY BE APPROVED ACCORDING TO THE GUIDELINES FOR THE $26.00-$999.99 CATEGORY OR THE BOARD OF MANAGEMENT MAY SEND THE REQUEST TO A COMMITTEE REQUESTING A DETAILED PLAN TO BE SUBMITTED AND APPROVED.

$5,000.00 AND OVER, A DETAILED BUDGET AND PLAN MUST BE PRESENTED TO THE BOARD AT LEAST 6 MONTHS PRIOR TO THE EVENT.

***NOTE: ALL COMMITTEES MUST HAVE AT LEAST ONE BOARD MEMBER WHO IS RESPONSIBLE TO PRESENT THE PROPOSAL AT THE BOARD MEETING.**

Appendix "N" as referred to in Section D.(x)
of the Planning and Development Committee
Minutes dated 1997 December 11

CONCESSION STREET BUSINESS IMPROVEMENT AREA
PROPOSED BUDGET FOR 1997

EXPENSES	
ADVERTISING AND PROMOTION	$ 2,800.
HYDRO-CHRISTMAS LIGHTS	$ 800.
ADVERTISING, PROMOTION & NEWSLETTER	$ 6,000.
ADMINISTRATION	
INSURANCE	$ 750.
ACCOUNTING	$ 350.
MISCELLANEOUS	$ 400.
TOTAL	$11,100.
INCOME	
BIA TAX LEVIES	$10,100.
CITY OF HAMILTON GRANT FOR CHRISTMAS DECORATIONS	$ 1,000.
TOTAL	$11,100.

B (i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 January 7

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Len King, P.Eng.
Building Commissioner

SUBJECT: Commercial Property Improvement Loan Program (CPILP)
340 Barton Street East (98.2.4.2.1A, 98.2.14)

RECOMMENDATION:

(a) That 1160584 Ontario Inc. (John Howard, Allan Guitar) be issued a cheque in the amount of $4,500 on 1998 August 1, which represents the second grant instillment as per the terms of the Barton Street Revitalization Program, provided that the applicant still owns the property on 1998 August 1; and,

(b) That 1160584 Ontario Inc. (John Howard, Allan Guitar) be issued a cheque in the amount of $6,000 on 1999 August 1, which represents the third and final grant instillment as per the terms of the Barton Street Revitalization Program, provided that the applicant still owns the property on 1999 August 1.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

City Council at its meeting held 1997 May 13 approved a loan/grant application in the amount of $30,000. Under the Barton Street Revitalization Program, $15,000 of the $30,000 is a forgivable grant which is earned by the applicant over two years.

.../2

The forgivable grant portion is granted in three stages as follows:

1) 30 per cent upon first anniversary repayment date.
2) 30 per cent on the first anniversary date.
3) 40 per cent on the second anniversary date.

It is also a requirement of this program that the applicant not sell the property for a period of two years from the first anniversary repayment date in order to earn the forgivable grant portion. The monthly payments of the repayable loan portion must also be kept in good standing at all times.

In the event the property is sold prior to the grant being earned, the entire loan and unearned grant portion must be repaid to the City.

In order to further improve their property and thus improving the Barton Street Village B.I.A. Improvement Area, the applicant has acquired additional financing. The institution providing additional financing to the applicant required that their mortgage be registered second on title. Therefore, discharge of the City of Hamilton's lien which was second on title, was necessary in order for the applicant to acquire additional financing to improve this property.

As a result, the applicant has now paid off the entire loan and unearned forgivable grant in accordance with the requirements of this program. However, the applicant is now requesting that they continue to earn the next two instalments of the grant on 1998 August 1 and 1999 August 1.

The Building Department, Housing & Loans Division, therefore, recommends that the applicant be issued a cheque in the amount of $4,500 on 1998 August 1 and a cheque in the amount of $6,000 on 1999 August 1, which represents the two remaining grant instalments under the Barton Street Revitalization Program, provided that the applicant continues to own the property until 1999 August 1.

LCK/GG/jp

cc R. Camani, Treasury Department
D. Clark, Building Department
D. Powers, Law Department

B (ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 January 9

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1457 UPPER SHERMAN AVENUE - Tag Number 97-7943
(98.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1457 Upper Sherman Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C & AA (Map E-38C)

PRESENT USE: Single Family Dwelling

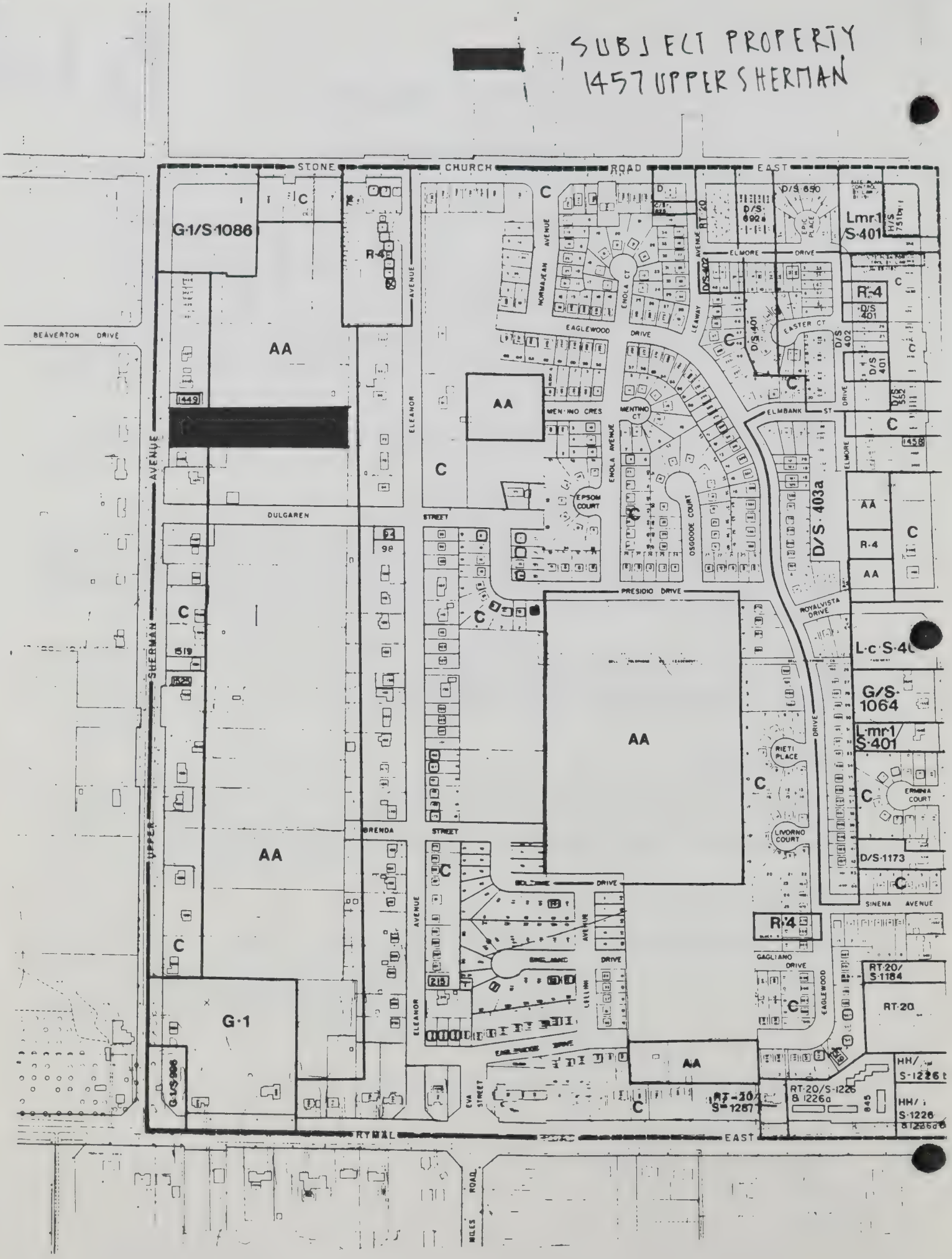
PROPOSED USE: Church

BRIEF DESCRIPTION: The owner wishes to demolish the existing one storey vinyl sided single family dwelling and erect a new church. This property is located in the "Eleanor Neighbourhood" (please see attached neighbourhood map) and is located in War 7. No LACAC interest. Lot size 138.410' x 613.00'.

The owner of the property and applicant as per the demolition permit is:

Queensdale Bible Chapel
Gagemount P.O. Box 79505
Hamilton, Ontario L8T 5A2

FP/zr


SUBJECT PROPERTY
1457 UPPER SHERMAN
STONE CHURCH ROAD EAST
BEAVERTON DRIVE
UPPER SHERMAN AVENUE
ELEANOR AVENUE
DULGAREN STREET
BRENDA STREET
EVA STREET
NILES ROAD
EAST
G-1/S-1086
G-1
AA
R-4
C
D/S 403a
D/S 650
D/S 692a
D/S 401
D/S 402
Lmr1/S-401
L-c/S-40
G/S-1064
D/S-1173
RT-20/S-1184
RT-20
RT-20/S-1226 & 1226a
RT-20/S-1287
HH/S-1226
EAGLEWOOD DRIVE
ELMORE DRIVE
ELMBANK ST
PRESIDIO DRIVE
ROYALVISTA DRIVE
SIENA AVENUE
GAGLIANO DRIVE
EASTER CT
MENTINO CT
EPSOM COURT
OSGOODE COURT
RIETI PLACE
ERMINA COURT
LIVORNO COURT
ENOLA CT
ENOLA AVENUE
NORMAJEAN AVENUE
LEAWAY
EPIC PLACE
MENINO CRES
LOLLINI DRIVE
EMELIANO DRIVE
EVELYNE DRIVE
519
1449
1458
845

B (iii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 January 9

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
21 ARDEN AVENUE - Tag Number 97-7941
(98.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 21 Arden Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

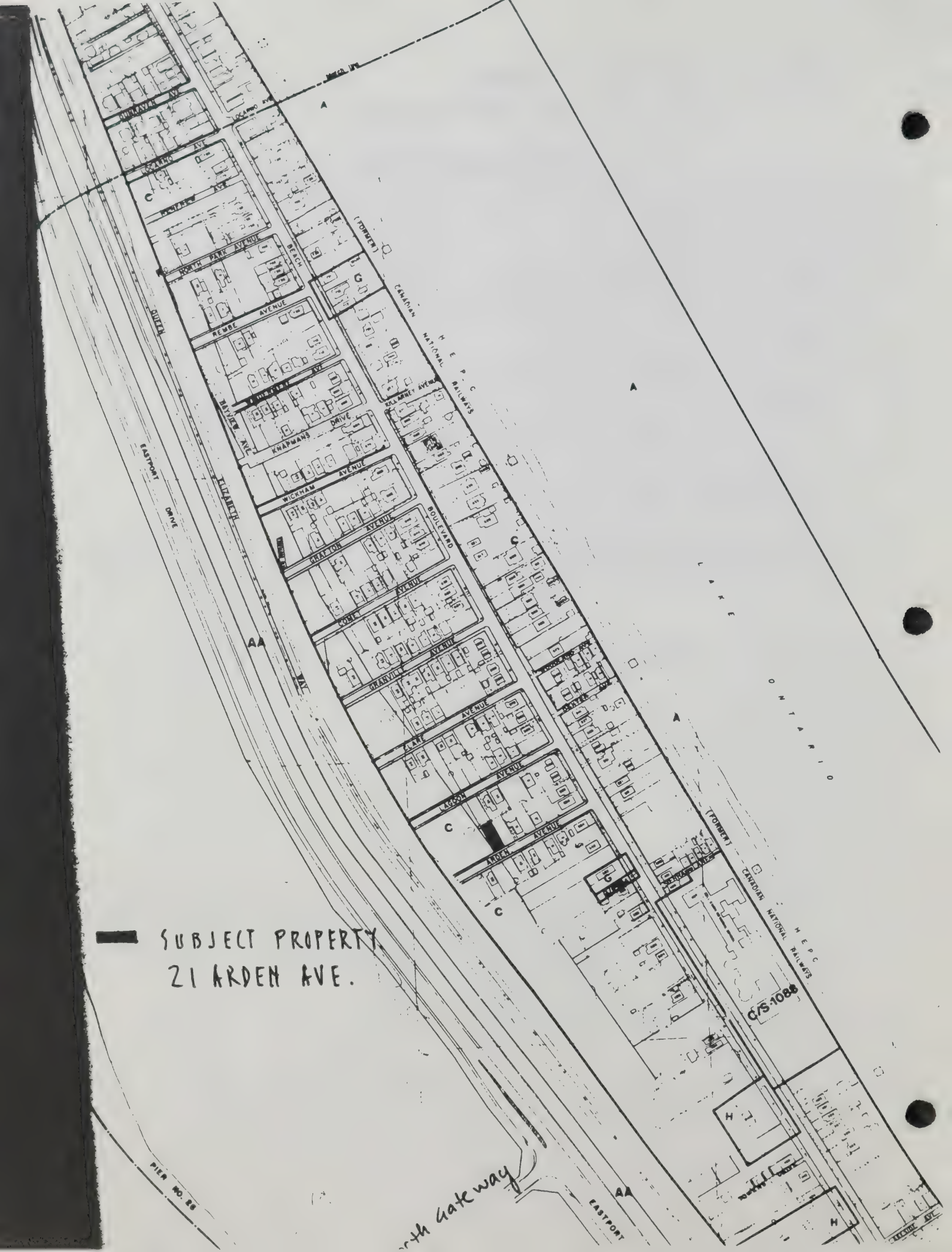
BACKGROUND:

PRESENT ZONING:	C (Map E-80D)
PRESENT USE:	Single Family Dwelling
PROPOSED USE:	Single Family Dwelling
BRIEF DESCRIPTION:	The owner wishes to demolish the existing one storey vinyl sided single family dwelling and erect a new single family dwelling. This property is located in the "Hamilton Beach B Neighbourhood" (please see attached neighbourhood map) and is located in Ward 5. No LACAC interest. Lot size 40' x 100'.

The owner of the property and applicant as per the demolition permit is:

Mr. B. Butler
4 Puritan Court
Stoney Creek, Ontario L3E 4L1

FP/zr


SUBJECT PROPERTY
21 ARDEN AVE.
QUEEN ELIZABETH
EASTPORT DRIVE
CANADIAN NATIONAL RAILWAYS
(FORMERLY) M.E.P.C.
LAKE ONTARIO
BOULEVARD
NORTH PARK AVENUE
REMBE AVENUE
KNAPMANS DRIVE
WICKHAM AVENUE
GRAFTON AVENUE
GRANVILLE AVENUE
CLARE AVENUE
ARDEN AVENUE
KILLARNEY AVENUE
C/S-1088
PIER NO. 28
EASTPORT
A
AA
C
G
H

B(iv)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 January 9

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Len King, P.Eng.
Building Commissioner

SUBJECT: Commercial Property Improvement Loan Program
536 Concession Street (98.2.4.2.1.A)

RECOMMENDATION:

That a Commercial Property Improvement Loan in the amount of twelve thousand, three hundred and thirty-two dollars ($12,332) to Patricia Woolcott for improvements to 536 Concession Street be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate will be 3 per cent amortized over ten years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The owner of 536 Concession Street has applied for assistance under the City of Hamilton's Commercial Property Improvement Loan Program. As per the terms of the Program, the Building Department has inspected the property under Property Standards By-law 94-185, and the necessary repairs have been included in the cost of repairs.

The Concession Street Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The Building Department, therefore, recommends the approval of a Commercial Property Improvement Loan to Patricia Woolcott for improvements to 536 Concession Street in the amount of $12,332. The loan will be amortized over a ten year period at 3 per cent interest. The monthly payments will be $118.97 and will be secured by a promissory note and a lien registered on title.

LCK/MM/jp

c.c. R. Camani, Treasury Department
D. Powers, Law Department

C (i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 January 7
S704-47, M. P. Sabelli, C.E.T.
S708-78, M. P. Sabelli, C.E.T.

REPORT TO: S. Glover, Secretary
Planning and Development Committee

FROM: J.G. Pavelka, P.Eng.
Chief Administrative Officer

V.J. Abraham, M.C.I.P.
Director of Planning and Development

SUBJECT: **"Domvir Estates - Phase 1", Hamilton**
"Highridge South - Phase 3", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION:

a) That the City of Hamilton accept the sum of $ 7,200.00 in connection with "Domvir Estates - Phase 1", Hamilton, and $ 109,250.00 in connection with "Highridge South - Phase 3", Hamilton as the cash payments in lieu of the 5% land dedication required under Section 51 of the Planning Act.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financing costs associated with this report.

cont'd...

DATE: 1998 January 7

"Domvir Estates - Phase 1", Hamilton
"Highridge South - Phase 3", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

cont'd...

BACKGROUND:

"Domvir Estates - Phase 1", Hamilton

The owners of "Domvir Estates - Phase 1", Domenico Amatangelo and Livia Allega, will be executing a Subdivision Agreement with the City of Hamilton in the near future.

In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated to be $ 7,200.00.

The lands of "Domvir Estates - Phase 1" are located north of Rymal Road West and on the east side of Alfrin Court in the Falkirk East Planning Neighbourhood. (see attached plan)

"Highridge South - Phase 3", Hamilton

The owners of "Highridge South - Phase 3", Brusantis Development Corporation, will be executing a Subdivision Agreement with the City of Hamilton in the near future.

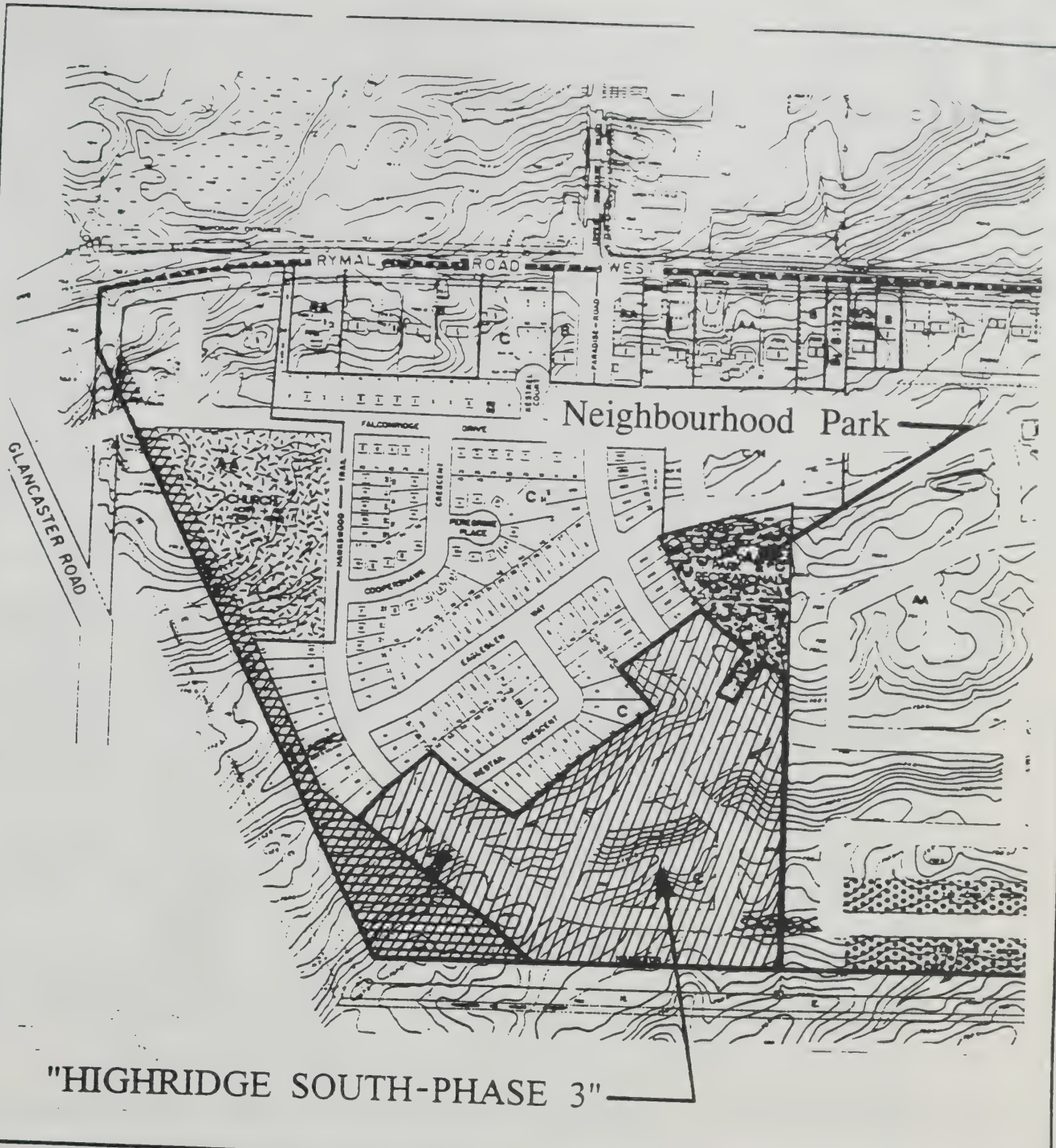
In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated to be $ 109,250.00.

The lands of "Highridge South - Phase 3" are located south of Rymal Road West and south of Upper Paradise Road side in the Carpenter Planning Neighbourhood. (see attached plan)

Note: The 5% parkland dedication or the cash in lieu of lands is a contribution by the developers. The money collected for the cash in lieu of lands is used for land acquisition, development and maintenance for park purposes.

MPS
MP

cc: D. Cobb, City Treasury
cc: R. Buckle, City Real Estate Department



LEGEND

Subject Lands

KEY PLAN
"HIGHRIDGE SOUTH-PHASE 3", Hamilton

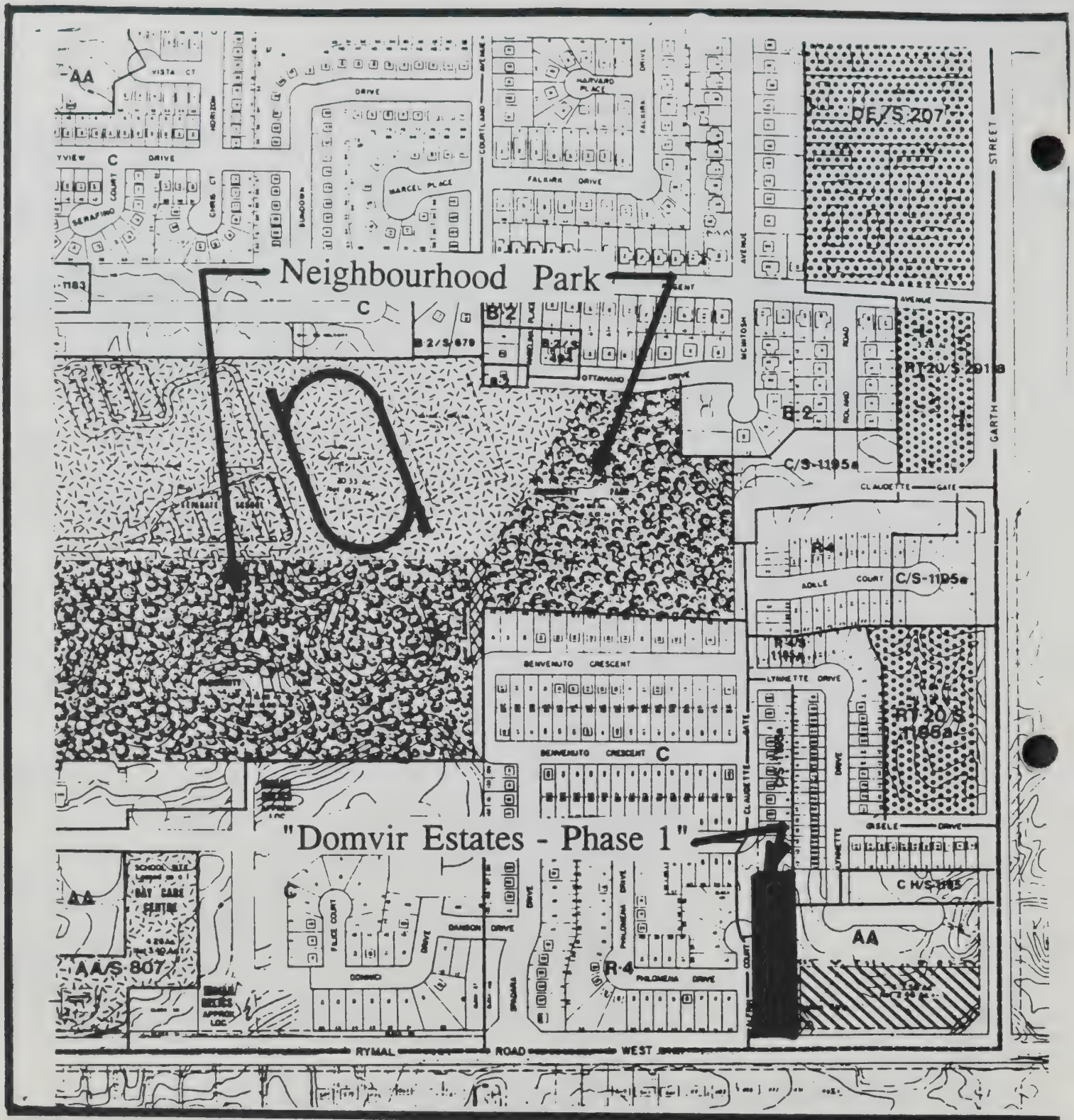
NORTH

NEIGHBOURHOOD
CARPENTER - APPROVED PLAN

DATE
October 9, 1997

FILE No.
S 708-78

Regional Municipality of Hamilton-Wentworth
Environment Department, Development Division



LEGEND

Subject Lands

KEY PLAN

"Domvir Estates - Phase 1"

NORTH

FALKIRK EAST

DATE	FILE No.
October 9, 1997	S704-47

Regional Municipality of Hamilton-Wentworth
Environment Department, Development Division

C (ii)

CITY OF HAMILTON
- RECOMMENDATION -

DATE:	1998 January 6 DA-97-23 Crown Point East Neighbourhood
REPORT TO:	Stella Glover, Secretary Planning and Development Committee
FROM:	Mr. V. J. Abraham, M.C.I.P., R.P.P. Director, Planning and Development Department J. Pavelka, P.Eng. Chief Administrative Officer

SECOND REPORT

SUBJECT:

Site Plan Control Application DA-97-23 for additional retail area and site improvements to the existing Canadian Tire Store at 450 Ottawa Street North and 1089-1091 Barton Street East.

RECOMMENDATION:

That Site Plan Control By-law 79-275 as amended by By-law No. 87-223 be amended by adding 1089-1091 Barton Street East to Schedule "A".

V. J. Abraham

J. Pavelka

BACKGROUND:

A Site Plan Control Application was approved on November 19, 1997 for additional retail area and site improvements to the existing Canadian Tire Store at 450 Ottawa Street North and 1089-1091 Barton Street East shown on the attached map marked as Appendix "A".

COMMENTS:

The lands were the subject of a recent Committee of Adjustment Application, so as to permit additions to the existing Canadian Tire Store notwithstanding that:

1. a total of 151 parking spaces are provided on the lot instead of the minimum 270 parking spaces required;

2. a maximum of 35% (2275 sq m) of gross floor area of the building will be used for accessory storage instead of the maximum 25% (1625 sq m) of floor area permitted.

The Committee of Adjustment granted the application, subject to the following conditions:

1) That an additional 58 parking spaces accessory to the use located at No. 450 Ottawa Street North, be provided and maintained off-site, within approximately 60 m of the subject lands, 450 Ottawa Street North.

2) The former "Jockey Club" lands are to be reviewed concurrently with the development under DA-97-23. Accordingly, the lands located at the north east corner of Ottawa Street North and Barton Street East (former "Jockey Club" lands), and known municipally as 1089-1091 Barton Street East, should be placed under Site Plan Control.

3) The approval should be conditional upon the final approval of Site Plan Control Application DA-97-23, which shall include the subject lands 450 Ottawa Street North and 1089-1091 Barton Street East.

The Committee of Adjustment approved the variances on August 20, 1997, and their decision became final and binding on September 10, 1997.

With respect to item #3, the application (DA-97-23) was amended as per the recommendation of Committee of Adjustment, to include lands known as 1089-1091 Barton Street East with 450 Ottawa Street North, and reviewed on that basis.

Therefore, it is recommended that Site Plan Control By-law 79-275 as amended by By-law No. 87-223 be amended by adding 1089-1091 Barton Street East to Schedule "A".

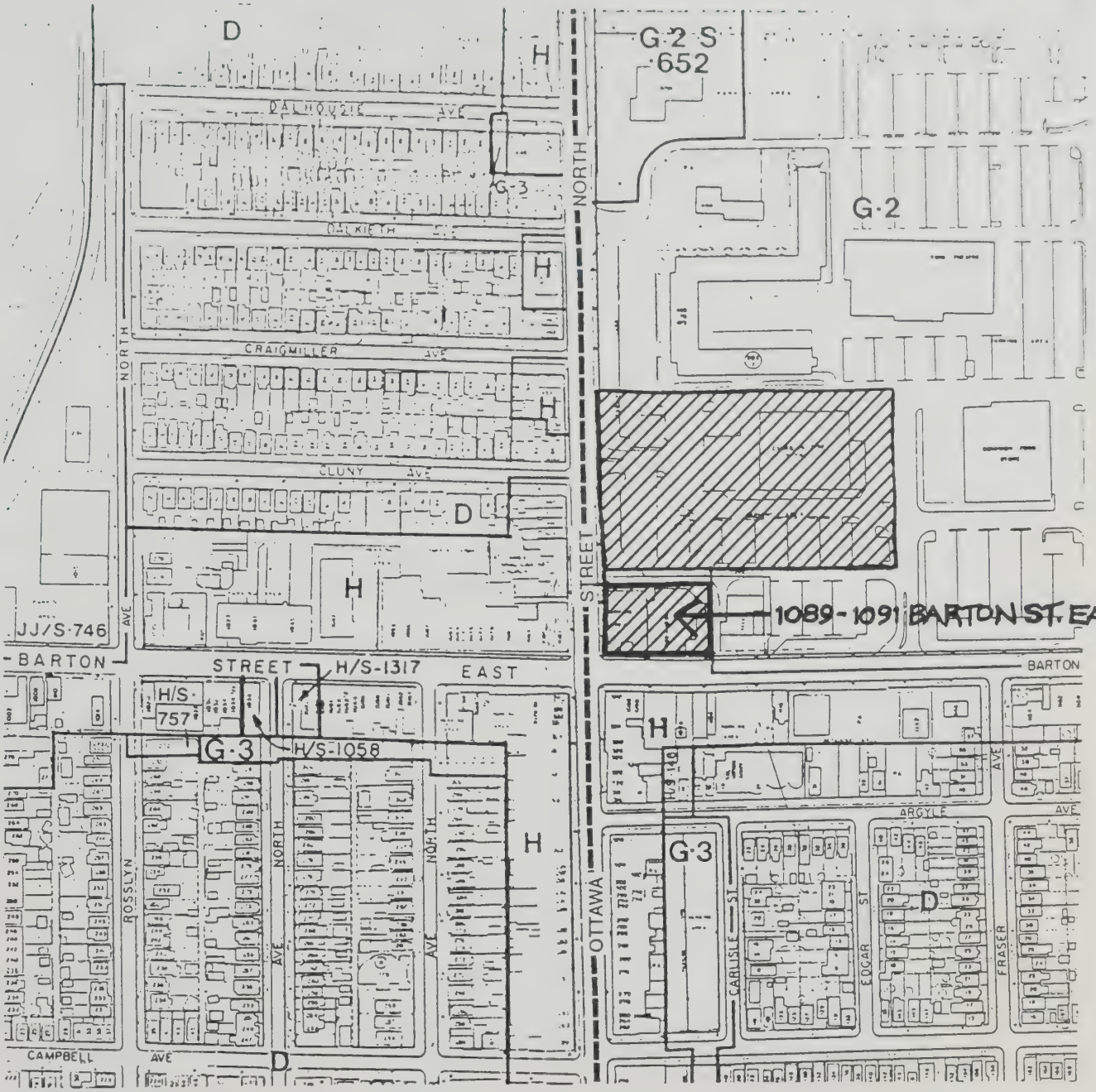
CONCLUSION:

Subject to the above, the proposal is satisfactory.

JL/jl

CROWN POINT WEST No. 35

CROWN POINT EAST No. 34



City of Hamilton

Plan Showing Lands Subject to

Site Plan Control Application DA-97-23

Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	Not to Scale	DA-97-23
	Date	Drawn By
	JUNE 1997	S.H.

APPENDIX A

D(i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 January 13

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation
Advisory Committee

SUBJECT: Deterioration of Vacant Heritage Buildings - Need for Stronger Preventive Measures

RECOMMENDATION:

That the Planning and Development Department and the Building Department be requested to investigate measures for strengthening regulations to prevent the deterioration of vacant heritage buildings in the City of Hamilton.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: n/a

BACKGROUND:

At its meeting of 1998 January 6, the LACAC Research Sub-Committee discussed ways of preventing the neglect and subsequent deterioration of vacant heritage buildings in the City of Hamilton. It was agreed that the provisions of the present City of Hamilton Property Standards By-law are inadequate in these instances and that stronger controls are required.

Examples illustrating the need for stronger preventive measures include Bellevue, Victoria Hall and the Lister Block, all of which are designated under the Ontario Heritage Act.

cc Victor Abraham, Director, Planning and Development Department
Len King, Building Commissioner
Nina Chapple, Planning and Development Department

D(ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 January 13

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation
Advisory Committee

SUBJECT: Professional Appraisal of Bellevue, 14 Belvidere Avenue

RECOMMENDATION:

a) That the City hire an appraiser at an estimated cost of $2,500 to $3,000 to make a professional evaluation of Bellevue, the designated property at 14 Belvidere Avenue, Hamilton; and,

b) That the Finance and Administration Committee be requested to recommend the method of financing.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Costs for the appraisal are estimated at $2,500 to $3,000.

BACKGROUND:

Under the Ontario Heritage Act, the 180-day delay of demolition has been applied to Bellevue, 14 Belvidere Avenue, to provide time to investigate alternatives to demolition of this designated building.

At its 1998 January 6 meeting, the LACAC Research Sub-Committee questioned whether an objective appraisal could be made of Bellevue's current market value which would be of assistance in finding a purchaser who is committed to the restoration and preservation of this historic building. LACAC at its meeting held 1998 January 12 subsequently approved the above-noted recommendation.

cc Victor Abraham, Director, Planning and Development Department
Nina Chapple, Planning and Development Department
Allan Ross, Treasurer
Susan Reeder, Secretary, Finance and Administration Committee

E(i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 January 9

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Doug Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: Downtown Hamilton Business Improvement Area (B.I.A.) - 1998-2000 Board of Management.

RECOMMENDATION:

1. That Schedule 'A' and 'B' of By-law No. 83-71, as amended, appointing the Downtown Hamilton B.I.A. Board of Management be repealed and the following names substituted:

SCHEDULE 'A'
Alderman A. Horwath
Alderman R. Corsini

SCHEDULE 'B'

Kim Finlay	K.D.Finlay Clothier (owner)
Al Peckham	Royal Bank (owner)
Alex Herpers	Herpers Gowling (tenant)
Ray Harris	Harris and Henderson (tenant)
Jordan Livingston	Livingston Furs (tenant)
Reg Titian	Reggie's Music and Sound (owner)
Kathy Wiegand	Right House (owner)
Bob Sorenson	Sundried Tomatoes (tenant)
Mike McNally	Jessett Investments (owner)
Gerry Attard	Ramada Hotel (tenant)
Roger Letourneau	Just Imagine Printing (tenant)
Dick Brocker	Royal Connaught Hotel (owner)
Rose Ianuzzi	CIBC (owner)
Nancy Godwin	Nancy Godwin, Barrister & Solicitor (tenant)
David Blanchard	Hughson Business Space Corporation (owner)
Dennis Lugowy	Dennis Lugowy, Chartered Accountant (tenant)

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Downtown Hamilton B.I.A. held its Annual General Meeting 1998 January 06. At the meeting the B.I.A.'s general membership elected its Board of Management for 1998-2000 cognizant that Bill 106 came into force 1998 January 01 and, that the make-up of the Board must include both owners and tenants.

The establishment of a Steering Committee to address the process for 1998 B.I.A. budgets and 1998-2000 B.I.A. Boards of Management, given the new legislation governing B.I.A.'s, was approved by City Council at its meeting held 1997 September 30. The process followed to elect the Downtown Hamilton B.I.A.'s Board of Management for 1998-2000 was in accordance with the Steering Committees' recommendations. The initial findings of the Steering Committee have been been forwarded to the members of the Planning and Development Committee by way of an Information Report dated 1997 November 10.

DL:HM:hm
P&DDH98.Board

c.c. Carlo Gorni, Executive Director
Downtown Hamilton B.I.A.

Patrice Noé Johnson, City Solicitor
Law Department
Attn: Art Zuidema, Solicitor

E(ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 January 9

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Doug Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: Downtown Hamilton Business Improvement Area (B.I.A.) - Proposed Budget and Schedule of Payments for 1998.

RECOMMENDATION:

a) That the 1998 operating budget for the Downtown Hamilton B.I.A. (attached as Appendix 'A') be approved in the amount of ninety-two thousand, four hundred dollars ($92,400); and,

b) That the City Treasurer be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 1998 budget as referenced in (1) above; and,

c) That the following schedule of payments for 1998 be approved:

February 01	$23,100
March 01	$23,100
June 01	$23,100
September 01	$23,100

NOTE: 1997 levy arrears will be deducted from the payment for 1998.

D. Lobo.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of $92,400 is totally levied by the B.I.A. through its members. There is no cost to the City for any part of this operating budget.

BACKGROUND:

At its Annual General Meeting held 1998 January 06, the Downtown Hamilton B.I.A. adopted a 1998 operating budget of ninety-two thousand, four hundred dollars ($92,400).

The establishment of a Steering Committee to address the process for the 1998 B.I.A. budgets and 1998-2000 B.I.A. Boards of Management, given the recent passing of Bill 106, was approved by City Council at its meeting held 1997 September 30. The process followed to adopt the Downtown Hamilton B.I.A.'s 1998 Budget was in accordance with the Steering Committees' recommendations. The initial findings of the Steering Committee have been forwarded to members of the Planning and Development Committee by way of an Information Report dated 1997 November 10.

DL:HM:hm
P&DDH.98B

c.c. Carlo Gorni, Executive Director
Downtown Hamilton B.I.A.

Alan Ross, City Treasurer
Treasury Department
Attn: Larry Friday, Supervisor of Tax Administration/Banking

APPENDIX 'A'

DOWNTOWN HAMILTON BUSINESS IMPROVEMENT AREA (B.I.A.)

1998 BUDGET

Promotions and Special Events (Summer Programs, Sponsorships, Christmas, Other Events)	$18,000
Administration (Rent, Meetings, Utilities, Office Expenses and Supplies, Telephone, Meetings, etc.)	$20,000
Management Fees (For Services of Executive Director)	$40,000
Reserve	$14,400
TOTAL	**$92,400**

E (iii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 January 14

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Doug Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: Expansion of the Barton General Community Improvement Project Area (C.I.P.A.).

RECOMMENDATION:

1. That the City Solicitor prepare, and City Council approve, a By-law to expand the Barton General Community Improvement Project Area (C.I.P.A.) in accordance with the plan attached as Appendix 'A' in order to implement the Commercial Property Improvement Program and the Barton Revitalization Program to owners of commercial property within the expanded area;

2. That the Planning and Development Committee convene a public meeting to receive citizen input on the expansion of the corresponding Barton General Community Improvement Plan (C.I.P.) as required under The Planning Act, Section 28.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Monies to implement the Commercial Property Improvement Program within the Barton General Community Improvement Project Area (C.I.P.A.) are contained in Centre Number CH 0329. Monies to implement the Barton Street Revitalization Program for the Barton Village B.I.A. are contained in Holding Account Number CH 24107-00001.

BACKGROUND:

In accordance with the Planning Act, 1990, Section 28, a municipality must designate a Community Improvement Project Area (C.I.P.A.) and create a corresponding Community Improvement Plan (C.I.P.) in order to offer loans and grants to commercial property owners.

In 1986 the City of Hamilton undertook an initiative to administer the Commercial Property Improvement Program, a program that offers loans to property owners within specific geographic boundaries for improvements to facades and interiors of commercial buildings.

The Barton Village B.I.A. was identified as an area for improvement, therefore the Barton General C.I.P.A. was subsequently designated under By-law No. 88-11 and the corresponding Barton General C.I.P. was adopted through By-law No. 88-12. The appropriate Ministerial approval was granted in accordance with the Planning Act, 1990, Section 28.

In 1995, the Province of Ontario allocated monies to the City of Hamilton for the revitalization of Barton Street within the Barton General C.I.P.A. Components of the revitalization efforts include administering loans and grants to property owners of commercial property as well as affixing murals to privately owned properties. To ensure compliance with the Planning Act, 1990, Section 28, appropriate modifications were made to the Barton General C.I.P. to reflect components under the revitalization efforts that were not included within the original document. These revisions were subsequently adopted through By-law No. 95-180 and Ministerial approval was granted.

The Barton Village B.I.A. recently expanded its boundaries, therefore in order to offer the loans and the grants to the commercial property owners contained in the expanded area, the Barton General C.I.P.A. and corresponding C.I.P. must be expanded.

DL:HM:hm
P&DBCIPA.Exp

Attach.

c.c. Patrice Noé Johnson
City Solicitor
Attn: Art Zuidema, Solicitor

Len King
Commissioner of Building
Attn: Mark Mascarenhas, General Manager, Housing & Loans

APPENDIX 'A'

BARTON GENERAL COMMUNITY IMPROVEMENT PROJECT AREA

E(iv)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 January 14

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Doug Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: Expansion of the Downtown Hamilton Business Improvement Area's (B.I.A.'s) - Community Improvement Project Area (C.I.P.A.)

RECOMMENDATION:

1. That the City Solicitor prepare, and City Council approve, a By-law to expand the Downtown Hamilton B.I.A.'s Community Improvement Project Area (C.I.P.A.) in accordance with the plan attached as Appendix 'A' in order to implement the Commercial Property Improvement Program to owners of commercial property within the expanded area;

2. That the Planning and Development Committee convene a public meeting to receive citizen input on the expansion of the corresponding Downtown Hamilton B.I.A.'s Community Improvement Plan (C.I.P.) as required under The Planning Act, Section 28.

D. Lobo .

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Monies to implement the Commercial Property Improvement Program within the Downtown Hamilton B.I.A.'s Community Improvement Project Area (C.I.P.A.) are contained in Centre Number CH 0329.

BACKGROUND:

In accordance with the Planning Act, 1990, Section 28, a municipality must designate a Community Improvement Project Area (C.I.P.A.) and create a corresponding Community Improvement Plan (C.I.P.) in order to offer loans and grants to commercial property owners.

In 1986 the City of Hamilton undertook an initiative to administer the Commercial Property Improvement Program, a program that offers loans to property owners within specific geographic boundaries for improvements to facades and interiors of commercial buildings.

The Downtown Hamilton B.I.A. was identified as an area for improvement, therefore the Downtown Hamilton B.I.A., C.I.P.A. was subsequently designated under By-law No. 94-186 and the corresponding Downtown Hamilton B.I.A., C.I.P. was adopted through By-law No. 95-012. The appropriate Ministerial approval was granted in accordance with the Planning Act, 1990, Section 28.

In 1996 the City of Hamilton revised the criteria of the Commercial Property Improvement Program. To ensure compliance with the Planning Act, 1990, Section 28, appropriate modifications were made to the Downtown Hamilton B.I.A., C.I.P. to reflect the revisions. These revisions were subsequently adopted through By-law No. 96-035 and Ministerial approval was granted.

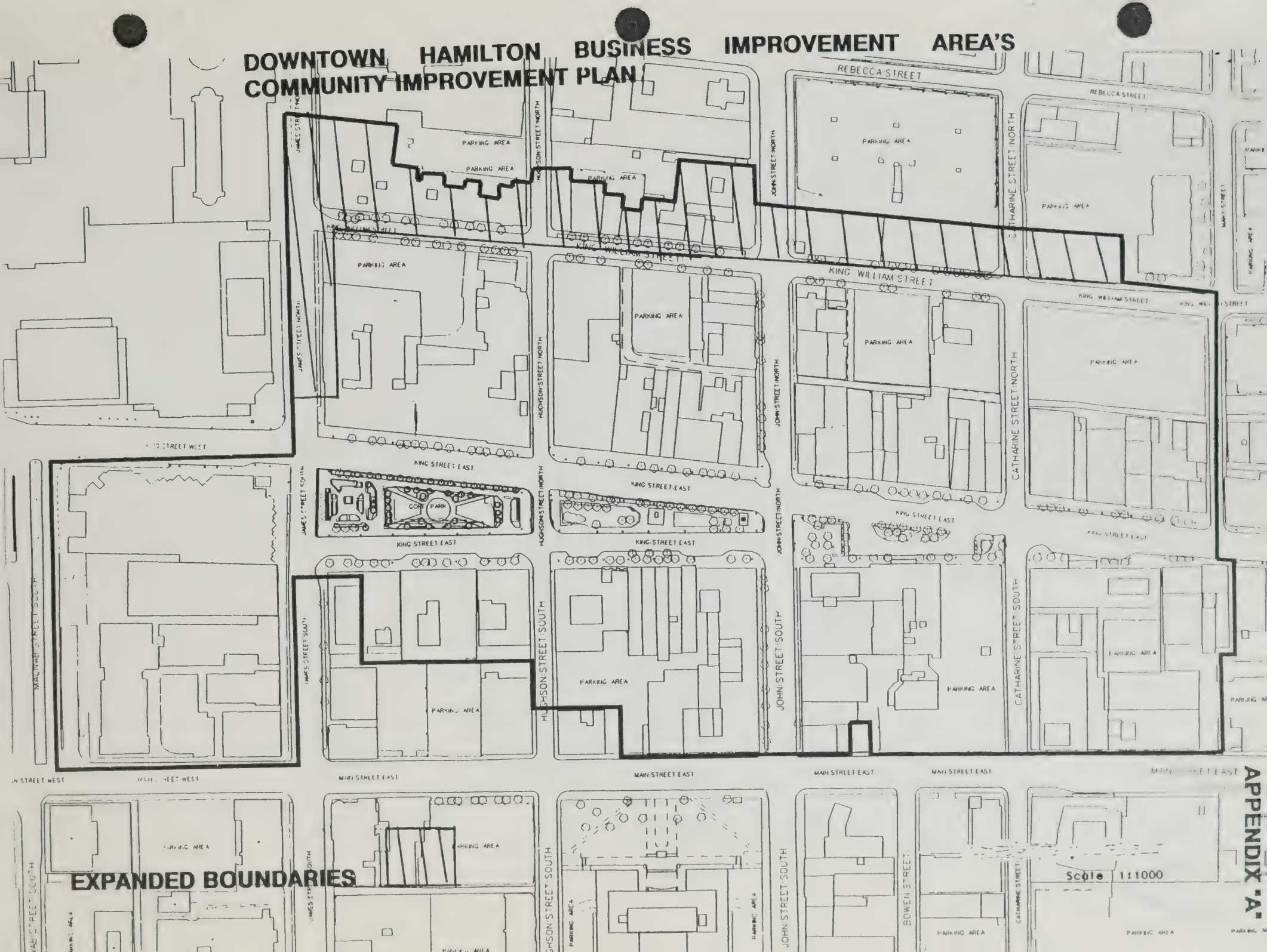
The Downtown Hamilton B.I.A. has expanded its boundaries, therefore in order to offer the loans to the commercial property owners contained in the expanded area, the Downtown Hamilton B.I.A.'s, C.I.P.A and corresponding C.I.P. must be expanded.

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P&DDCIPA.Exp

Attach.
c.c. Patrice Noé Johnson
City Solicitor
Attn: Art Zuidema, Solicitor

Len King
Commissioner of Building
Attn: Mark Mascarenhas, General Manager, Housing & Loans

DOWNTOWN HAMILTON BUSINESS IMPROVEMENT AREA'S
COMMUNITY IMPROVEMENT PLAN



EXPANDED BOUNDARIES

APPENDIX "A"

E(v)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 January 14

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Doug Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: Expansion of the Main Street West Community Improvement Project Area (C.I.P.A.).

RECOMMENDATION:

1. That the City Solicitor prepare, and City Council approve, a By-law to expand the Main Street West Community Improvement Project Area (C.I.P.A.) in accordance with the plan attached as Appendix 'A' in order to implement the Commercial Property Improvement Program to owners of commercial property within the expanded area;

2. That the Planning and Development Committee convene a public meeting to receive citizen input on the expansion of the corresponding Main Street West Community Improvement Plan (C.I.P.) as required under The Planning Act, Section 28.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Monies to implement the Commercial Property Improvement Program within the Main Street West Community Improvement Project Area (C.I.P.A.) are contained in Centre Number CH 0329.

BACKGROUND:

In accordance with the Planning Act, 1990, Section 28, a municipality must designate a Community Improvement Project Area (C.I.P.A.) and create a corresponding Community Improvement Plan (C.I.P.) in order to offer loans and grants to commercial property owners.

In 1986 the City of Hamilton undertook an initiative to administer the Commercial Property Improvement Program, a program that offers loans to property owners within specific geographic boundaries for improvements to facades and interiors of commercial buildings.

The Main Street West B.I.A. was identified as an area for improvement, therefore the Main Street West C.I.P.A. was subsequently designated under By-law No. 90-270 and the corresponding Main Street West C.I.P. was adopted through By-law No. 90-299. The appropriate Ministerial approval was granted in accordance with the Planning Act, 1990, Section 28.

In 1996 the City of Hamilton revised the criteria of the Commercial Property Improvement Program. To ensure compliance with the Planning Act, 1990, Section 28, appropriate modifications were made to the Main Street West C.I.P. to reflect the revisions. These revisions were subsequently adopted through By-law No. 96-035 and Ministerial approval was granted.

The Main Street West B.I.A. has expanded its boundaries, therefore in order to offer the loans to the commercial property owners contained in the expanded area, the Main Street West C.I.P.A and corresponding C.I.P. must be expanded.

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P&DMCIPA.Exp

Attach.

c.c. Patrice Noé Johnson
City Solicitor
Attn: Art Zuidema, Solicitor

Len King
Commissioner of Building
Attn: Mark Mascarenhas, General Manager, Housing & Loans

APPENDIX "A"

MAIN STREET WEST COMMUNITY IMPROVEMENT PROJECT AREA



EXPANDED BOUNDARIES

F.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 January 12

REPORT TO: Alderman F. D'Amico, Chairperson & Members,
Planning and Development Committee

FROM: Stella Glover, Secretary
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Site Plans for Approval

(b) Minutes of the Local Architectural Conservation Advisory Committee Meeting held 1997 November 3

(c) Information Report dated 1997 December 18 from the Commissioner of Public Works and Traffic respecting Barton Village Business Improvement Area - Fund Raising for a Bronze Sculpture of Robert Land

(d) Minutes of the Local Architectural Conservation Advisory Committee Meetings held 1997 November 24 and December 8.

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure is recorded for these matters.

Urban Municipal Collection
2nd Floor
Hamilton Public Library

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1997

URBAN MUNICIPAL

FEB 4 1998

GOVERNMENT DOCUMENTS

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1998 February 4
9:30 o'clock a.m.
Room 233, City Hall

Stella Glover

Stella Glover, Secretary
Planning and Development Committee

AGENDA

1. **PUBLIC MEETINGS - 9:30 O'CLOCK A.M.**

   (a) Zoning Application 97-34, by Frank Mulas, prospective owner, for a change in zoning from "AA" District to "RT-20" District, modified, for lands located at 1126 Garth Street.

   (b) Zoning Application 97-40, by McDonalds Restaurants of Canada, prospective owner, for a change in zoning from "D" District to "H" District, modified, for lands located at 184 Lottridge Street.

      (i) Submission - Les Myers, 156 Glendale Avenue North

2. **DIRECTOR OF PLANNING AND DEVELOPMENT/CITY CLERK/CHIEF ADMINISTRATIVE OFFICER**

   (a) Relocation of Wesley Urban Ministries (Drop In Centre) - 195 Ferguson Avenue North.

   (b) Amended Resolution for ZAC-97-30 - 21 Brantdale Avenue

3. DELEGATION

Sergio Manchia, Planning & Engineering Initiatives Ltd. re Alfrin Court Expropriation Matter: Former Kee/Salvagio Property

4. PRIVATE AND CONFIDENTIAL AGENDA

5. SITE PLAN REQUIREMENTS

(a) City Solicitor - Proposed Modification to Site Plan Requirements

(b) Building Commissioner - Security Reductions Related to Site Plan Control

6. CONSENT AGENDA

7. TABLED FROM PREVIOUS MEETING

Revised Draft Plan of Subdivision - James Mount Gardens and Zoning Application 97-24 (no copy)

8. OTHER BUSINESS

9. ADJOURNMENT

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	ZA-94-30, 336-338 King St. W. Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
2.	Rehabilitation Loan Programs	1996 June 25 (Council)	Review to be conducted by staff	Recommendation from Building Commissioner to Cttee by 1996 Nov. 1
3.	Hamilton Harbour Land Use	1997 February 19	Staff report on site plan control procedures and incineration as a use regarding Hamilton Harbour Commission Lands	Report forthcoming
4.	ZA-97-02, 310 Limeridge Road West	1997 March 19	Alternate Uses for the property to be investigated	Tabled. To be brought back on 1997 May 21
5.	RHPA application CD-96-004, 222 Gage Avenue South	1997 April 2 and 1997 May 7	Ward Aldermen to meet with applicant and residents	Tabled for 1 month Further tabled for 6 months (to first meeting of Nov 1997)
6.	RHPA application CD-96-005, 155 Market Street	1997 April 23	Applicant to meet with residents in order to address their concerns	Tabled for 2 months
7.	Street Naming	1997 May 7	Planning and Development Staff requested to prepare a report explaining how street names are determined	Report pending
8.	Correspondence from J. Wannop, 139-147 Locke St. S.- Site Plan	1997 June 18	Referred to Planning Staff for review and comment	Pending
9.	Appleblossom Drive Extension	1997 June 18	Referred to Planning Staff for report	Report forthcoming
10.	Boulevard Policy for New Subdivisions	1997 July 2	Staff directed to prepare report	Report forthcoming
11.	Planning Tariff Fees - Condominium and Subdivisions	1997 August 20	Sub-Committee to review and report back	Pending
12.	Licensing of New Hazardous Waste Sites	1997 August 20	Referred to Planning and Law Office Staff for report	Pending
13.	RHPA Application CD-97-002, 21 Kendale Court	1997 August 20	Clarification re: reserve funds for major repairs & resolve parking issue	Tabled for 1 month
14.	Demolition Permit Application - 30 Norfolk Street North	1997 October 22	Tabled Until legal issues are resolved	Pending

1 (a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 January 26
Gilbert Neighbourhood

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director Planning and Development Department

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Request for change in zoning - 1126 Garth Street

RECOMMENDATION:

That approval be given to Amended Zoning Application ZAC-97-34, Frank Mulas, prospective owner, requesting a change in zoning from "AA" (Agricultural) District to "RT-20" - 'H' (Townhouse-Maisonette - Holding) District, to permit the development of 9 townhouse units, for property located at 1126 Garth Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That the amending by-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as the prospective owner applies for and receives approval of a Site Plan Control application.

City Council may remove the 'H' symbol, and thereby give effect to the rezoning and modified provisions as stipulated in this By-law, by enactment of amending By-law once the condition is fulfilled.

(ii) That the subjects lands be rezoned from "AA" (Agricultural) District to "RT-20" - 'H' (Townhouse-Maisonette - Holding) District;

(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning District

Map W-27A for presentation to City Council;

(iv) That upon approval of the Zoning By-law amendment, the Gilbert Neighbourhood Plan be amended by redesignating the subject lands from "Low Density Apartments" to "Attached Housing"; and,

(v) That the proposed change in zoning is in conformity with the Official Plan for the City of Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "RT-20" - 'H' (Townhouse-Maisonette - Holding) District for lands located at 1126 Garth Street (see APPENDIX "A" attached).

The effect of the By-law is to permit the future development of the lands for a maximum of nine (9) townhouse units.

In addition, the amending by-law establishes the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, on the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as the prospective owner applies for and receives approval of a Site Plan Control application.

City Council may remove the 'H' symbol, and thereby give effect to the rezoning as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant is proposing to develop the subject lands for nine (9) townhouse units with access only onto Bonaventure Drive (see APPENDIX "B" attached). The applicant has signed an offer to purchase the majority of these lands from the Regional Municipality

of Hamilton-Wentworth conditional on their rezoning to "RT-20" District. A one foot reserve on Garth Street is owned by the City and is subject to similar purchase and sale conditions.

APPLICANT:

Frank Mulas Construction Ltd., prospective owner.

LOT SIZE AND AREA:

The subject lands have:

- a frontage of approximately 30.48 m (100 feet) on Garth Street;
- a depth of approximately 70.5 m (231.9 feet); and,
- a lot area of approximately 2122 m^2 (22,842 $feet^2$).

LAND USE AND ZONING:

	Land Use	Zoning
Subject Lands	Vacant	AA (Agricultural) District
Surrounding Lands		
to the north	Townhouses	"DE" (Low Density Multiple Dwellings) District, modified
to the east	Single Family Dwellings	"C" (Urban Protected Residential, etc.) District, modified
to the south	Townhouses	"DE-3" (Multiple Dwellings) District) modified
to the west	Townhouses and Semi-detached dwellings	"DE-3" (Multiple Dwellings District, modified and "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District

OFFICIAL PLAN:

The subject lands are designated "Residential" on Schedule 'A' - Land Use Concept of the Official Plan. The following policies, amongst others, are applicable:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that is consistent and complements the established development pattern;

v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established development pattern;

vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents;"

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Low Density Apartments" in the approved Gilbert Neighbourhood Plan. Approval of this application will require a redesignation from"Low Density Apartments" to "Attached Housing".

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority has no objection.

- The Building Department advises:

  "1. The maximum number of storeys permitted is three (3).

  2. Using Bonaventure Drive as the front yard, the area requirements conform as shown provided that there are no windows to a habitable room on the 3.0 m westerly side yard wall.

  3. No dimension indicating the distance between the townhouse dwellings, however it appears that the minimum distance of 3.5 m conforms provided that the two exterior walls do not contain windows to a habitable room.

  4. Based on a lot area of 2,112 m^2, nine (9) townhouse dwelling units are permitted.

  5. The minimum 40% landscaping as indicated on the concept plan conforms.

  6. Nine (9) townhouse dwellings with attached garages require twelve (12) parking spaces. The eleven (11) parking spaces proposed are insufficient.

  7. The 0.3 m reserve shall be incorporated into the road allowance on Bonaventure Drive. If the 0.3 m reserve is removed from 1126 Garth Street, as well as the reserve on Bonaventure Drive, this would create a through lot".

- The Public Works and Traffic Department advises:

  "This property was recently the subject of a request by the Real Estate Department for comments regarding the sale of a .3 metre reserve on Bonaventure Drive. A copy of our comments to that request are attached for information.

  The only vehicular access to the property will be from Bonaventure Drive due to the proximity of the Garth Street frontage to the freeway access. As indicated in our previous comments regarding the sale of this property, there is a number of concerns related to the

grade difference between the subject property and Bonaventure Drive. Therefore, we recommend that any approval of the requested change in zoning be conditional upon the applicant obtaining an approved a site plan agreement that addresses those concerns.

With reference to the concept plan, the applicant should be advised that since there is only one point of access and sufficient manoeuvring will not be available on site for single unit trucks to turn around, on site garbage pickup will not be provided by the City. In the event that the proposed townhouse are to be converted to condominiums, the applicant should be advised that we will be recommending that as a condition of approval a notice be registered on title of each individual unit that garbage removal by the City will not be available for this site".

- The Regional Environment Department (Development Engineering Services advises:

"1. The designated road allowance width of Garth Street is 32 m. In accordance with this designation, the Region will retain the road widening shown as Part 4 on Reference Plan 62R-14137 and the 0.30 m reserve shown as Part 3 on Reference Plan 62R-14137. The description of lands to be rezoned in the application should be revised to exclude these lands.

Access to lands to be rezoned will only be permitted to Bonaventure Drive and the applicant must take the necessary steps to have the .30 m reserve shown as Part 5 on Reference Plan 62R-14137 lifted.

2. For the information of the applicant/owner, the following comments were made when the City and the Region identified these lands as surplus;

An Approach Approval for access to Bonaventure Drive is required from the City of Hamilton Department of Public Works and Traffic. According to the plan submitted, the arc length of the frontage on Bonaventure Drive, through the horizontal curve will be approximately 9.0 m. As a result of this frontage, the extension of the property lines to the curb line on Bonaventure Drive will result in very limited curb frontage for access, especially if an access for other than a single family home, is constructed from Bonaventure Drive.

According to Plan 95-W-67, the property grades raise significantly immediately behind the municipal sidewalk on Bonaventure Drive. According to the drawing, a watermain was installed on these lands at a depth which would allow a minimum 7% grade. This grade may be satisfactory for a single family home taken from a point at the road allowance limits but normally not for a block townhouse development. As a result, the watermain may have to be lowered to accommodate this development. Further the regrading of these lands may affect the grading of adjacent property and associated landscaping.

3. Given the number of engineering concerns which may limit the development of this property, we recommend that the applicant/owner enter into a site plan agreement with the City of Hamilton prior to the final approval of this rezoning application. This is required to ensure that the development as proposed, is feasible and can be engineered. This recommendation was also made in our previous memo dated April 11, 1997, to the Department of Property for the City of Hamilton.

4. Any works which may occur within the adjacent road allowances must conform to the respective Streets By-laws".

- The Regional Environment Department (Planning) advises:

"**PROVINCIAL COMMENTS:** The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. The application falls within the parameters of the PPS. However, the subject lands are adjacent to Garth Street, which is a major arterial road with potential vehicular noise impacts on residential development.

Therefore, approval of the application should be conditional upon the following:

1. That the owner agree to register on title the following noise warning clause for the 3 easterly units adjacent to Garth Street:

   "Purchasers are advised that noise levels originating from Garth Street may become of concern, occasionally interfering with some activities of the occupant".

COMMENTS:

1. The proposal complies with the Official Plan.

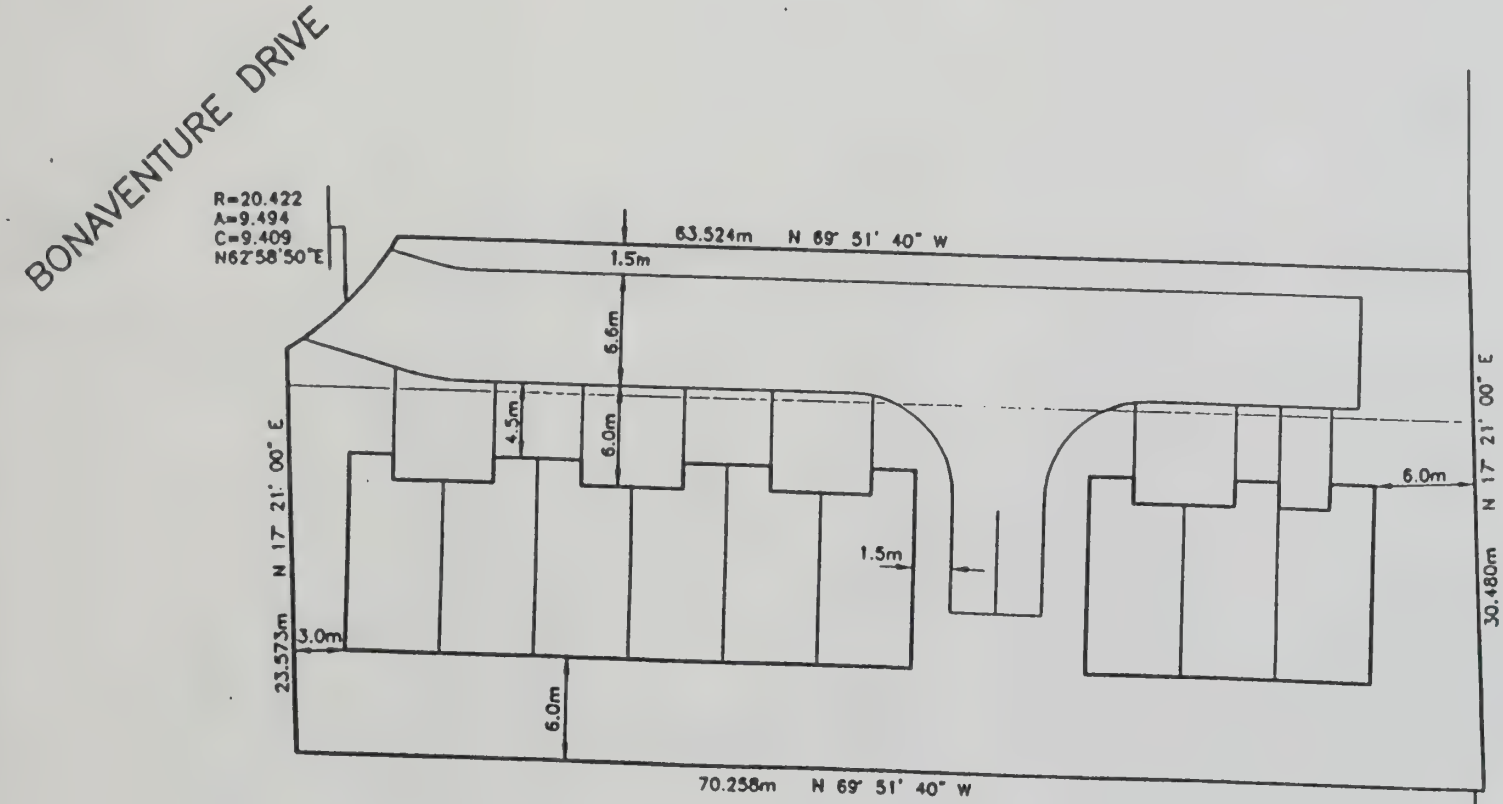
2. The proposal conflicts with the approved Gilbert Neighbourhood Plan. Approval of this application will require redesignation of the subject lands from "Low Density Apartments" to "Attached Housing".

3. The application has merit and can be supported on the following basis:

   - it complies with the Official Plan;

   - the proposed "RT-20" (Townhouse - Maisonette) District provisions are more in keeping with the existing development than the proposed "Low Density Apartments" proposed in the approved Neighbourhood Plan; and,

CONCEPT A



PROPOSED ZONING RT-20

BUILDING COVERAGE - 25.5%
LANDSCAPE COVERAGE - 44.6% (40% min)

DENSITY 230m2/UNIT X 9 UNITS= 2070m2
TOTAL LOT AREA = 2112m2

PLANNING & ENGINEERING INITIATIVES LTD.

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Scale: 1:300

Date: OCT. 19

APPENDIX "B"

1 (b)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 January 26
ZAC-97-40
Stipeley Neighbourhood

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a change in zoning - No. 184 Lottridge Street.

RECOMMENDATION:

(a) That approval be given to Zoning Application 97-40, McDonalds Restaurants of Canada, prospective owner, for a change in zoning from "D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified, to permit additional parking in conjunction with a proposed restaurant use at Nos. 787-791 Barton Street East, for lands located at No. 184 Lottridge Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That the subject lands be rezoned from "D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified;

(ii) That the "H" (Community Shopping and Commercial, etc.) District regulations, as contained in Section 14. of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances, as special requirements:

1) That notwithstanding Section 18A(36)(b) a distance not less than 1.5 m shall be provided and maintained between a residential district and the parking area used in conjunction with a restaurant;

2) That notwithstanding Section 18A(36)(b) a distance of not less than 7.5 m shall be provided and maintained between a residential district and the manoeuvring area and the access driveway used in conjunction with a restaurant;

3) That notwithstanding Section 18A(36)(c) a landscaped area of not less than 6.0 m in width shall be provided and maintained along and within the westerly lot line abutting Lottridge Street.

4) That no access shall be permitted from Lottridge Street.

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-32 be notated S- ;

(iv) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-32 for presentation to City Council;

(v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;

(b) That upon finalization of the implementing Zoning By-law, the subject lands be redesignated from "Single and Double Residential" to "Commercial" in the Approved Stipeley Neighbourhood Plan; and,

(c) That Schedule "A" to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-233, be further amended by adding the lands located at No. 184 Lottridge Street, and that the City Solicitor be directed to prepare a Site Plan Control By-law for presentation to City Council.

EXPLANATORY NOTE:

The purpose of the by-law is to provide for a change in zoning from "D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified, for lands located at No. 184 Lottridge Street, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit the subject lands to be developed in conjunction with the lands to the south, Nos. 787-791 Barton Street East, for a proposed restaurant (McDonalds). Specifically, the subject lands would be used for additional parking in conjunction with the restaurant use.

In addition, the by-law provides the following variances as special requirements:

1) That the parking area used in conjunction with a restaurant, may be located a minimum of 1.5 m from the adjacent residential district, whereas the Zoning By-law requires a minimum distance of 12 m; and

2) That the manoeuvring area and the access driveway used in conjunction with a restaurant, may be located a minimum of 7.5 m from the adjacent residential district, whereas the Zoning-Bylaw requires a minimum distance of 12 m;

3) That a minimum 6.0 m wide landscaped area shall be provided and maintained along Lottridge Street, whereas the Zoning By-law only requires a 1.5 m wide landscaped area.

4) Access is prohibited to the subject lands from Lottridge Street.

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

- Minor Variance Application A-97-215 and Site Plan Control Application DA-97-31

The subject lands are located immediately north of Nos. 787-791 Barton Street East. On September 17, 1997, the Committee of Adjustment granted an application by McDonalds of Canada, for minor variances for a proposed restaurant use at Nos. 787-791 Barton Street East. The following variances to the "H" (Community Shopping and Commercial, etc.) District were granted:

- the drive-through land will be as close as 2.0 m to the nearest residential lands instead of 12.0 m away;

- the parking, manoeuvring and access driveway will be as close as 1.5 m to the nearest residential lands instead of 12.0 m away; and,

- ingress and egress to the site will be as close as 1.5 m to the nearest residential lands instead of 30.0 m away.

The variances were conditional upon Site Plan approval. Accordingly, the lands were placed under Site Plan control and the applicant submitted DA-97-31. The Site Plan submission included lands located at Nos. 787-791 Barton Street as well as the lands at No. 184 Lottridge Street. The applicant indicated these lands were to be consolidated for the restaurant development. However, the applicant was advised that No. 184 Lottridge Street is zoned "D" (Urban Protected Residential -One and Two-Family Dwellings, etc.) District and could not be

used for commercial purposes, such as a restaurant. The applicant revised the Site Plan to exclude No. 184 Lottridge Street. The applicant subsequently, on December 8, 1997, submitted rezoning application ZAC-97-40, to rezone No. 184 Lottridge Street. On December 24, 1997, Site Plan Control application DA-97-31 for Nos. 787-791 Barton Street East received conditional approval, to permit development of the lands for a restaurant with a seating capacity of 76 and a drive-through.

- Proposal

Application ZAC-97-40, is to rezone the subject lands to permit development in conjunction with a proposed restaurant on lands to the south, at Nos. 787-791 Barton Street East. Specifically, the subject lands would be used for additional parking in conjunction with the restaurant use. There is currently a single detached dwelling upon the subject lands, which would be demolished.

APPLICANT:

McDonalds Restaurants of Canada, prospective owner.

LOT SIZE AND AREA:

- 10.05 m (33 ft.) of lot frontage on Lottridge Street;
- 30.48 m (100 ft.) of lot depth; and,
- 306.32 m^2 (3,297.3 sq. ft.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Single-family dwelling	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District
Surrounding Lands		
To the north	Single-family dwelling	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District

To the south	Vacant commercial building	"H" (Community Shopping and Commercial, etc.) District
To the east	Commercial	"H" (Community Shopping and Commercial, etc.) District
To the west	Single-family residential	"D" (Urban Protected Residential-One and Two-Family Dwellings, etc.) District

OFFICIAL PLAN:

The subject lands are designated Commercial on Schedule "A" - Land Use Concept of the Official Plan. The proposal complies with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Single and Double Residential" by the Approved Stipeley Neighbourhood Plan. The proposal requires a redesignation to "Commercial".

COMMENTS RECEIVED:

- The Building Department has verbally confirmed the required variances and suggested that a variance be included to prohibit access from the subject lands.

- The Traffic Department has advised that:

  "The proposed change in zoning to permit the development of the subject lands for parking associated with the proposed restaurant is satisfactory subject to the development being placed under site plan control. With reference to the submitted plan, we recommend that the plan provided for the information of the Committee be modified to incorporate all recommended revisions to DA-97-31.

  The applicant should be advised that the inclusion of the parking area in the overall development will have an impact on the location of the access to Lottridge Street. As part of our comments regarding the site plan for the parking area, we will be recommending the access modifications shown on the attached plan."

- The Hamilton Region Conservation Authority have no objections.

- The Regional Environment and Transportation Departments have advised that:

"...there are public watermains and combined storm and sanitary sewers available to service the subject lands.

The Regional Transportation Department, Roads Division have the following comments.

1. The board fence, as noted, is to be set back 5.0 m from the Lottridge Street road allowance limits and this should also be shown on the approved site plan.

2. Any directional signs or otherwise within the 5m by 5m visibility triangles must be setback a minimum of 1.0 m from the Lottridge Street road allowance limits, 2.0 m from the edge of the access and must not exceed a height of 0.8 m above the corresponding centreline elevation of the municipal sidewalk within the access. It appears that the plans submitted do not comply with this requirement and the applicant should contact our staff on this matter.

3. We recommend that the subject lands, if the zoning is approved, be merged in title with adjacent lands to the east to form part of the overall proposed commercial development and that these lands be developed through site plan control.

4. In the absence of any details shown, we advise that the any works within the Lottridge Street road allowance limits must conform to the City of Hamilton Streets By-law."

COMMENTS:

1. The proposal complies with the Official Plan.

2. The subject lands are designated "Single and Double Residential" by the Approved Stipeley Neighbourhood Plan. The proposal requires a redesignation to "Commercial".

3. The proposal has merit and can be supported on the following basis:

   - The proposed rezoning would be a minor extension of the existing commercial area along Barton Street and would have the effect of "squaring off" the existing commercial zoning (eg. 787-791 Barton Street East).

   - Incorporation of the subject lands into the proposed commercial development at Nos. 787-791 Barton Street East would minimize the interface with a residential property to the rear of the commercial development. The commercial development approved under Site Plan DA-97-31 would abut the entire rear and side lot lines of No. 184 Lottridge. The commercial development incorporating 184 Lottridge, would only abut the side lot line of No. 186 Lottridge.

- The proposed special provisions for the site would result in an additional landscaped area, at the north-west corner of the subject lands, which would provide additional buffering and improve the transition between the residential uses and the proposed restaurant use.

4. Variances are required to permit the parking area and access driveway and manoeuvring area, used in conjunction with a restaurant, to be located a minimum of 1.5 m and 7.5 m, respectively, from the adjacent residential district, whereas the Zoning By-law requires a minimum distance of 12 m. These variance can be supported on the basis that it would be consistent with variances previously approved by the Committee of Adjustment for No. 787-791 Barton Street East.

   In accordance with the Building Department comments, a variance should be included to prohibit access from the subject lands. This will ensure that access is maintained at the approved located (on 787-791 Barton Street) and not relocated closer to the residential district to the north.

   Further, it is recommended that a minimum 6.0 m wide landscaped area shall be provided and maintained along and within the westerly lot line abutting Lottridge Street, whereas the Zoning By-law only requires a 1.5 m landscaped strip. This would provide a landscaped area along Lottridge Street, of a width similar to the abutting residential front yard setbacks. This will improve the interface between the residential uses and commercial use.

   In addition, the Traffic Division has recommended revisions to the parking layout and access, including deletion of the first two parking spaces, east of Lottridge Street. The provision of a minimum 6.0 m wide landscaped area is consistent with this setback required by the Traffic Division.

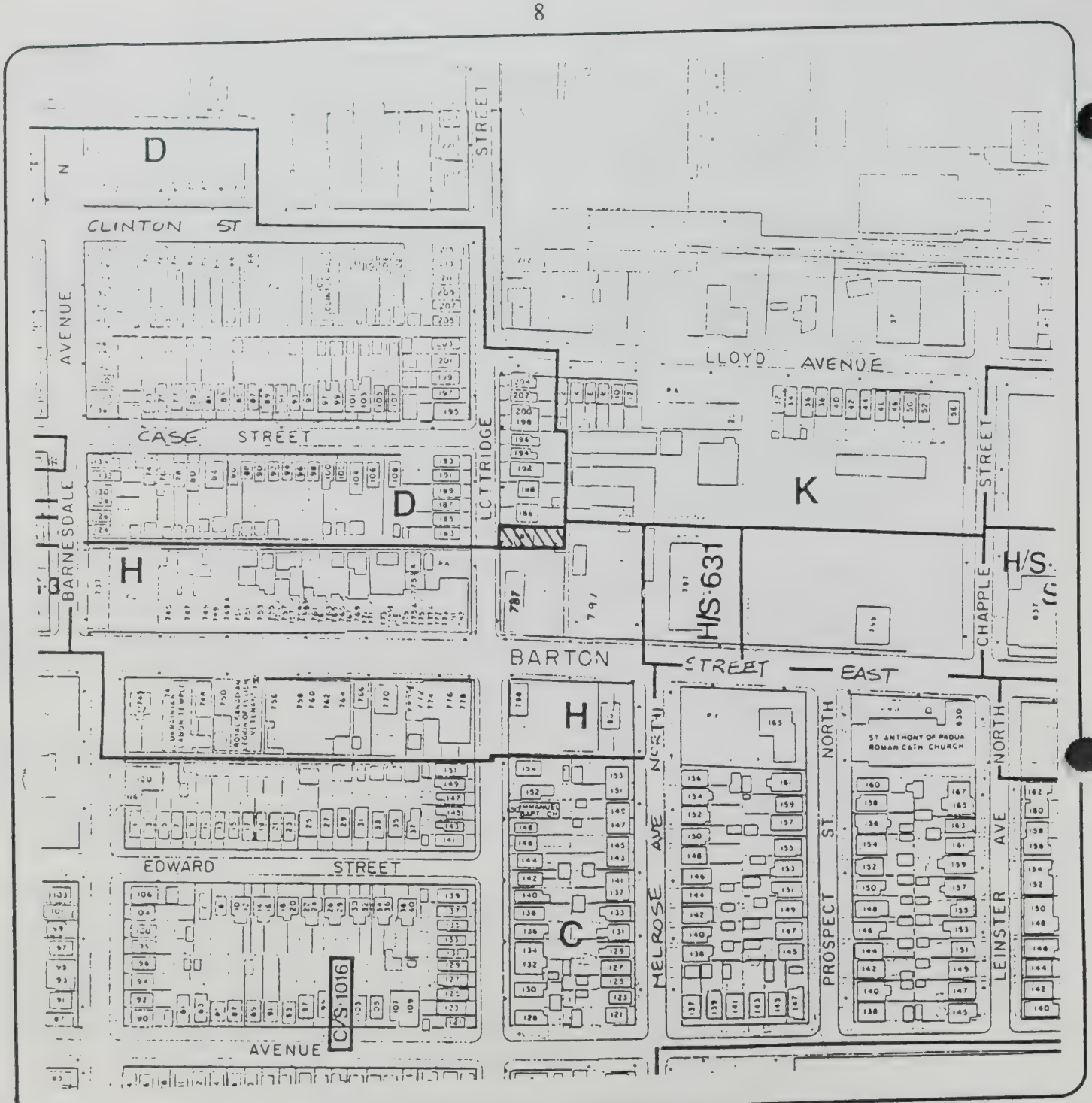
5. As noted in the Background section of this report, the lands at Nos. 787-791 Barton Street were placed under Site Plan Control, as a condition of a minor variance application (A-97-215), in order that the City have the opportunity to review the details of development. As such, it is appropriate that the subject lands also be placed under Site Plan Control. An amending Site Plan Control application will be required, for the subject lands. At such time, issues such as the placement of the directional signs, the parking layout, access and landscaping can be reviewed.

6. In their comments, the Roads Division recommended that the subject lands to be merged in title with Nos. 787-791 Barton Street East. The Planning and Development Department concur with this recommendation. Merger of the titles will ensure that the subject lands are not developed independently of Nos. 787-791 Barton Street East. However, since the lands are being placed under Site Plan control, this condition would be more appropriately imposed at the time of site plan approval.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

CL-M



Legend

Site of the Application

City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	ZAC-97-40
	Date	Drawn By
	December, 1997	R.L.

APPENDIX A

Jan | (b)(i)

To Whom it may concern

I oppose to all that Macdonalds is doing. I dont see a reason for another Macdonalds in our area Even if they remove the other one there is no reason for it. Tell them to move to the center mall. Why do they want to devalue our properties to build another Macdonalds. If they are going to buy one property then have them buy them all. Since Kiwanis housing owns some then I dont think that they will care about what goes there.

I think that the lot is big enough for most anything. If it is not go elsewhere!

I "oppose" all of Macdonalds intentions.

Thank You

Les Myers

(address on circularization list :-
156 Glendale Ave.N.
Hamilton ON L8L 7I

2(a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 January 23
(ZAC 97-09)

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P, R.P.P.,
Director, Planning and Development Department

J. J. Schatz
City Clerk

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Relocation of Wesley Urban Ministries (Drop-in Centre) -
195 Ferguson Avenue North

RECOMMENDATION:

That the City of Hamilton inform Wesley Urban Ministries that due to the criteria and costs associated with the relocation of the Drop in Centre at No. 195 Ferguson Avenue North, the City is unable to assist in its relocation.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

If the City wishes to pursue the relocation of the drop-in centre, there would be substantial costs to the City.

BACKGROUND:

- Rezoning

  Wesley Urban Ministries applied to the City for a modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to permit a "drop-in centre" with the existing building at 195 Ferguson Avenue North.

  The Planning and Development Committee, at its meeting of June 18, 1997, approved the modification in zoning. By-law No. 97-147 was passed by City Council on July, 8, 1997. The By-law was appealed by area and businesses in the area. To date, an Ontario Municipal Board hearing has not been scheduled.

- Relocation Request

  As part of the discussion at the June Public Meeting, the Planning and Development Committee requested:

  > *"That the appropriate staff work with the Wesley centre to look for a viable alternative locations for the Centre."*

  Staff forwarded a letter to Wesley Urban Ministries requesting their requirements (i.e location, size of building, etc.) with respect to the relocation. The following list is their criteria for a new site (see APPENDIX "A").

- Wesley Urban Ministries Facility

  For the information of the Committee, the drop-in centre is one component of the building. The existing building is a seven storey apartment building which contains 59 apartment units (floors 3 to 7). The second floor is used for the offices of the Wesley Community Homes and Urban Ministries. In addition, there is a chapel, small medical office and storage units. The first floor is where the drop-in centre is located. The centre includes a cafeteria, community kitchen, open rooms etc.

  The services offered by Wesley Urban Ministries include: counselling services, referrals, pastoral/chaplaincy services, safe haven/temporary refuge, provision of hygiene products/clothes to clients, meeting facilities, provision of lunch/snacks/Sunday dinners, etc.

  The facility is open daily from 9 PM until noon.

ANALYSIS:

APPENDIX "A" is an outline of the financial and locational criteria for a new site.

- Location

  The preferred site location is on the downtown. Since the actual use of the building for a "drop-in centre" does not exist within the current definitions of the zoning by-law, any future site would require a rezoning. Opposition experienced with the current rezoning would likely be experienced at another site.

- Financial Costs

  Based on the criteria established by the Wesley Urban Ministries for a possible relocation from 195 Ferguson, the Wesley group would require substantial financial assistance if they were to relocate. The following is a summary of part of those costs:

  1. Due contractual lease arrangement with the landlord, Wesley Community Homes, at 195 Ferguson Avenue North, rent in the amount of $89,000 per annum must be paid to the year 2002 ($445,000). This lease arrangement was expected to run for 35 years to assist the Landlord with mortgage payments.

  2. There is a lack of facilities in the downtown area that meet their criteria (i.e size, parking arrangements, etc.). Secondly, if a site was to be purchased, the land and construction costs would amount to about $1,300,000.

  3. They would also require assistance in purchasing office equipment which is currently shared by the Wesley Community Homes. This amount is unknown at this time.

  4. Wesley Urban Ministry would require funding to hire more support staff which currently is shared with Wesley Community Homes.

  5. Because of the function of providing daily assistance the tenants in the supportive housing project through food, clothes and counselling, an alternate site would have to be within close proximity or shuttle service would be required at some costs.

  6. Relocating may cause some of their clients to not have ready access to needed health care services.

  7. A new site would require excellent access to public transportation and the site must have at least 20 free parking places.

Items 3 to 7 do not have costs associated with them since it is difficult to quantify this amount.

As can be seen from the criteria set by the Wesley Urban Ministry, the lack of funding precludes this group from relocating without financial assistance. If the City wishes to relocate this group, the City would be facing substantial costs.

CONCLUSION:

In view of the criteria forwarded by Wesley Urban Ministries, the City take no further action with respect to a relocation of the facility from 195 Ferguson Avenue North.

JHE/MCJW

WESLEY

RESPONSE TO QUESTIONS FROM THE REGIONAL PLANNING & DEVELOPMENT DEPARTMENT ON VIABLE ALTERNATE LOCATIONS FOR THE WESLEY CENTRE

Background

Wesley Centre's current location at 195 Ferguson Ave. North was specifically designed to accommodate the drop-in program and to be part of the supportive housing project which has provided housing for singles and families who are in need of assistance in daily living. By combining administrative offices on site along with the drop-in centre and with Wesley Community Homes, our sister agency (which was formed to develop and manage this project), many economies of scale have been achieved in shared staffing, office equipment and services such as maintenance contracts. It has also allowed for greatly enhanced communication within the organizations.

The current site was designed with many special features such as the kitchen with state-of-the-art equipment and the multi-purpose rooms that convert usage at night to emergency shelter (specifically divided for males and females) and with viewing lines from the lobby area to allow staff to see each area at the same time without intruding in the space. There are also client washrooms that have showers and washers/dryers, as well as separate staff washrooms, all located to be within view and easy access of the centralized 'front-desk' area used by staff to greet and meet clients as well as monitor 'traffic' flow. Other features such as the top-rated security system, the large windows allowing maximum light, park-like landscaping and much more, are all important to both the safety and the enjoyment of the program.

Logistical Concerns with Relocating

- Wesley Urban Ministries pays $89,000 per annum to Wesley Community Homes for the leased space and this in turn pays for the mortgage each year at the premises. Wesley Urban Ministries has a 5 year renewable lease (to 2002). The arrangement was expected to be ongoing for the 35 years of the mortgage. A move to another site greatly affects the viability of Wesley Community Homes. Any costs of renovating the current 195 Ferguson site, to allow for future tenants who might off-set those costs through a sub-lease would need to be considered as well as the ongoing lease payments. Alternatively it would require that the capital improvements and ongoing costs at a new site would be covered for the same period.

- Wesley Urban Ministries has no funds to purchase a new site and could not mount a campaign to do so as we are currently in a deficit position.

- Office equipment such as photocopiers, fax machines and printers are currently shared as well as joint staffing and joint use of meeting spaces. The shared equipment and contracts would all have to be duplicated and provided at another site along with a source of ongoing maintenance costs added to our annual operating budget.

- The design of Wesley Centre and the proximity of assistance from administrative staff and Wesley Community Homes staff, have allowed for minimal levels of staffing in Wesley Centre. A move to a new site would likely require additional ongoing funds for staffing to keep the program safe and viable.

- Wesley Centre provides daily assistance to tenants in the supportive housing project through food, clothes, counselling, referrals, place to socialize, place for volunteer work, health care, chapel, bible study and more. An alternate site would have to be very close by and/or provide daily shuttle service to the new site to continue to meet the needs of the tenants. This is currently not within WUM's budget.

- Our health partners on site, including Hamilton Urban Core Community Health Centre, Public Health Dept. and HANDS, have located with us because of the combined population we serve with tenants of the supportive housing project and the clients of the Wesley Centre, as well as the location, space and facilities we can provide to them. Depending on the decision of our health care partners to relocate with Wesley Centre, either the tenants or our homeless clients may not have ready access to much needed health care services.

- The current site has plenty of street parking as well as an underground garage and is easily accessible by bus. This is important because staff are paid very low wages and could not afford the cost of downtown parking and because many staff and dozens of volunteers, who support our program daily, use public transportation and/or available parking. An alternate site would have to provide at least 20 free parking sites and easy access to public transportation.

Answers to Questions Asked by Regional Staff

1. **Preferred location for facility:**
   - -downtown core
   - -easy access to public transportation and free parking
   - -easy access to supportive housing project at 195 Ferguson North

2. **Services the new facility will accommodate:**
   - -it would be preferable to maintain all of the current services along with the administrative offices at one site
   - -if the administrative offices were not moved, there would be a requirement for additional staffing in the Wesley Centre (supervisory, reception and maintenance) as well as additional office equipment (photocopier, fax, printer, etc.)
   - -as well, the ground floor of the Wesley Centre would need major renovations to make it ready to lease for other organizations
   - -current services include kitchen and food storage (large heated area plus walk-in fridge/freezers), expandable dining area, emergency sleeping areas (divided for men and women), washrooms (with showers and washer/dryers), storage for hygiene supplies, office areas, program and meeting rooms, chapel, used clothing depot and used clothing storage, health centre, staff lunch room, staff washrooms, and administration offices (including board room)

3. **Size of building required:**

   -approximately 13,800 sq ft. divided as follows:

-drop-in centre	5,000
-chapel	1,500
-health centre	1,000
-used clothing depot	1,000
-food and used clothing storage	2,500
-administration offices	3,800

4. **Services that could be split among more than one floor:**

   - -administration offices can be on a separate floor
   - -we currently find it very difficult to have the health centre, used clothing depot and chapel on a separate floor as it makes them difficult to access, requires elevator and separate door buzzers as well as extra staff to monitor two floors while programs are open
   - -it is also very difficult to have food and clothing storage on other floors as it needs to be readily accessible

5. **Wesley Urban Ministries readiness to rent or own site:**

-WUM currently does not own any property (lease all 4 sites), though it has previously
-WUM has a legal obligation to meet the lease payments at 195 Ferguson Ave. North and therefore could not afford any other site unless the entire ongoing obligation was covered by some other means
-WUM has no funds to purchase another site as we are currently in a deficit position which we have been working to eliminate
-WUM does not have the ability to mount a capital campaign prior to elimination of the deficit
-if a new site were to be given to WUM, we would still need the operating budget for that site unless the commitment at 195 Ferguson Ave. North could be covered in some other manner
-WUM has the experience and capability to either rent or own a site

prepared by: Linda Langston
Executive Director
Wesley Urban Ministries

wc.alternate site.97

2 (b)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 January 28
ZAC-97-30
Southam Neighbourhood

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Amended Resolution for ZAC-97-30 - 21 Brantdale Avenue

RECOMMENDATION:

That Section 3 of the Second Report of 1998 of the Planning and Development Committee, as approved by Council on 27 January 1998 be amended as follows:

(i) Section 3(c)(i) be deleted and replaced with the following:

"That notwithstanding Section 9A(2)(c)(1), a minimum average lot width of 9.0 m shall be permitted; and,"

(ii) Section 3(d)(i) be deleted and replaced with the following:

"That notwithstanding Section 9(4), a minimum lot width of at least 11.43 m and a minimum lot area of 318.0 m^2 shall be permitted; and,"

V. Abraham

J. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The applicant is proposing to develop the subject lands for ten (10) single family dwellings.

- Planning and Development Committee Meeting - 1998 January 21

  City Council, at its meeting of 27 January 1998, adopted the Second report of Planning and Development Committee, approving a recommendation in support of the above-noted proposal. Subsequently, a discrepancy has revealed that the survey used to identify the variances was incorrect. The correct survey indicates that:

  - the proposed minimum lot frontages for "R-4" (Small Lot Single Family Detached) District (Block "1") should be 9.0 m, instead of 9.18 m; and,

  - the proposed minimum lot areas for the "C" (Urban Protected Residential, etc.) District (Block "2") should be 318.0 m^2, instead of 340.0 m^2.

  Given the nature of the discrepancy, it is appropriate to amend Council's resolution of 27 January 1998 on this matter.

CONCLUSION:

Based on the foregoing, a amended resolution can be supported.

CLF\
ZAC-97-30RR

FORMERLY BRANTDALE SCHOOL
CITY OF HAMILTON

REVISED SITE PLAN 'A'



BRANTDALE AVENUE

N 69° 40' W 73.677m

WEST 2nd. STREET

N 20° 44' 40" E 91.440m

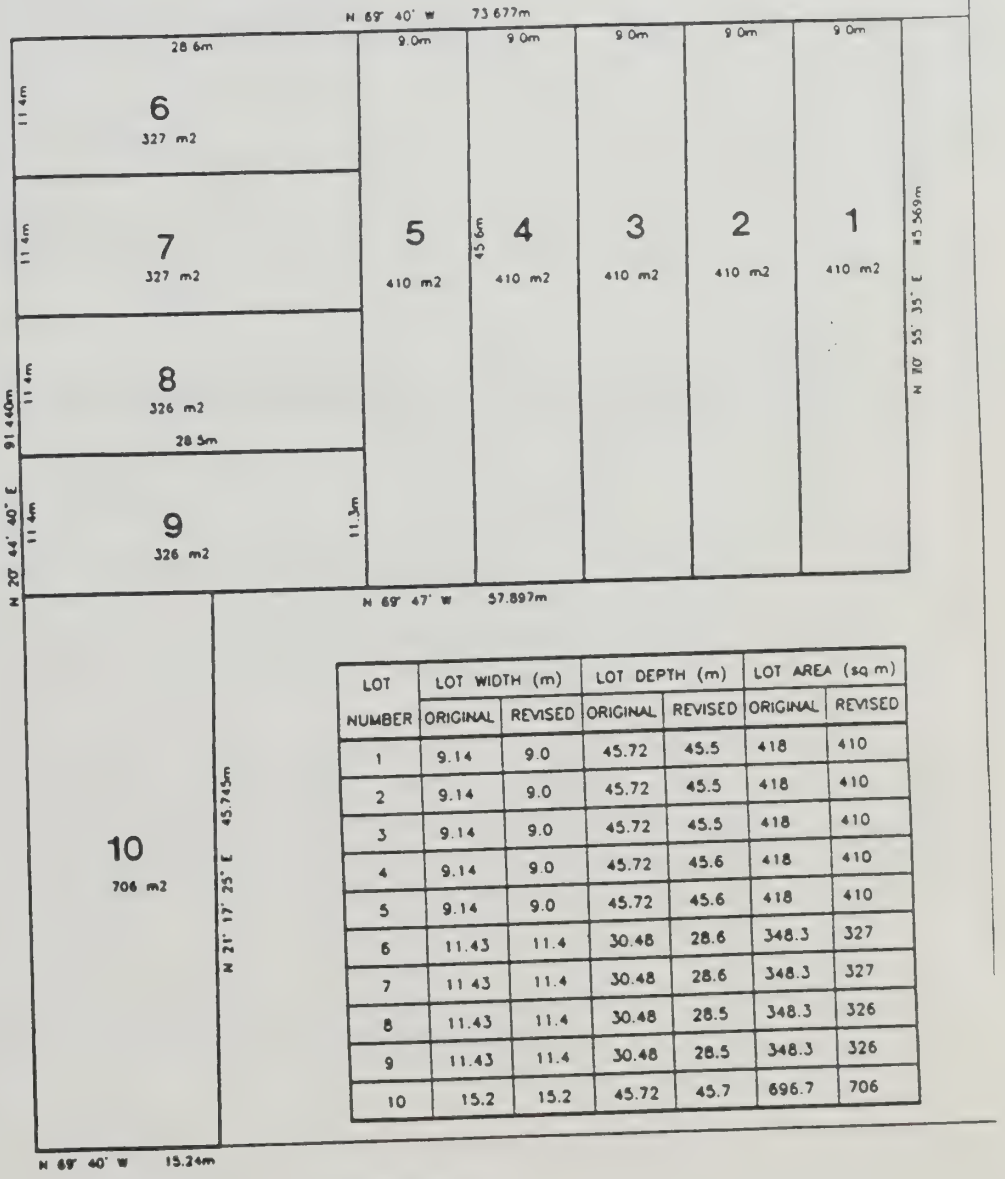
N 70° 55' 35" E 45.569m

N 69° 47' W 57.897m

N 21° 17' 25" E 45.745m

N 69° 40' W 15.24m

BRUCEDALE AVENUE



LOT NUMBER	LOT WIDTH (m)		LOT DEPTH (m)		LOT AREA (sq m)	
	ORIGINAL	REVISED	ORIGINAL	REVISED	ORIGINAL	REVISED
1	9.14	9.0	45.72	45.5	418	410
2	9.14	9.0	45.72	45.5	418	410
3	9.14	9.0	45.72	45.5	418	410
4	9.14	9.0	45.72	45.6	418	410
5	9.14	9.0	45.72	45.6	418	410
6	11.43	11.4	30.48	28.6	348.3	327
7	11.43	11.4	30.48	28.6	348.3	327
8	11.43	11.4	30.48	28.5	348.3	326
9	11.43	11.4	30.48	28.5	348.3	326
10	15.2	15.2	45.72	45.7	696.7	706

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PLANNERS CONSULTING ENGINEERS & LANDSCAPE ARCHITECTS

88 John Street South, Suite 300
Hamilton, Ontario L8N 2B8
Tel (905)546-1010 Fax (905)546-1011

Designed By:	Scale: 1:300
Drawn By: S.M.P	Date: Jan. 22 1988
Checked By: S.M.	Drawing Number: 1 – 1
Project: HP-881001	

3.

PLANNING & ENGINEERING INITIATI

379 Queen Street South
Kitchener, Ontario N2G 1W6
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e-mail: kitchener@peinitiatives.on.ca

69 John Street South, Suite #20
Hamilton, Ontario L8N 2B9
Tel. (905) 546-1010 Fax (905)
e-mail: hamilton@peinitiatives.o

PLANNERS
CONSULTING
ENGINEERS &
LANDSCAPE
ARCHITECTS

FAX MEMO

DATE: January 28, 1998

TO: Stella Glover

FROM: Sergio Manchia

NO. of PAGES: 1

FILE NO: HP 271

RE: Alfrin Court Expropriation Matter: Former Kee/Salvagio Property

Dear Ms. Glover:

On behalf of our clients, Mr. Jerry Amatangelo & Dr. Ross Allega owners of the subdivision know as "Domvir Estates" located within Alfrin Court; we kindly request to be registered as a delegation for the Wednesday February 4th, 1998 Planning & Development Committee Meeting.

We wish to be present in order that we may address matters relating to the above mentioned expropriation conflict brought forward at the previous Planning & Development Committee meeting by Mr. Tony DiSilvestro and Urbex Engineering and how their proposal will unnecessarily affect and delay our client's registration of their plan of subdivision which is presently in its final stages.

Thank you for this opportunity. Should you have any questions or concerns please do not hesitate to contact the undersigned.

Yours truly,

Sergio Manchia, MCIP, RPP
Senior Planner

Paul Puopolo, MA, MCIP, RPP
OALA, President

John Ariens, MCIP, RPP

Steve Brown, MBA, P. Eng.

Mark Dykstra, B.L., Arch.

Scott Lang, P. Eng.

Scott Llewellyn, P. Eng.

Sergio Manchia, MCIP, RPP

John Perks, MBA, P. Eng.

David Sisco, B.A.

Don Stewart, MES, MCIP, RPP

Tim Zavitsky, P. Eng.

Associates:

A.G. (Sandy) McLellan, Ph.D
Jonathan Price, Ph.D
Barry Warner, Ph.D

c: Chairman Frank D'Amico, Planning & Development Committee
Members of the Planning & Development Committee
Mr. Jack Restivo, YL & R

Copies sent to : E. Chaijka, Regional Environment Dept. R. Buckle, Real Estate and Jennifer Lessing, Law - 1998 January 29 - s.glover.

5(a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 January 26

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: P. Noé Johnson
City Solicitor

SUBJECT: Proposed Modification to Site Plan Requirements

RECOMMENDATION:

That the City's Site Plan Agreement Policy requiring the provision of a registered easement in favour of the City be relaxed entirely where site access provisions, satisfactory to the City Solicitor, are included within the Registered Site Plan Agreement and where no encumbrances are registered in priority to the City's Site Plan Agreement.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: see below

BACKGROUND:

In 1994, City Council adopted a comprehensive policy with respect to the City's requirements concerning the registration of Site Plan Agreements. On occasion, and as required, this policy has been amended to concurrently adjust to reasonable requests of the development industry which do not jeopardize the interests of the City in ensuring appropriate, timely development.

Recently, it was suggested that the benefits accruing to the City under a registered easement could be incorporated into the City's Site Plan Agreement where the subject lands are unencumbered at the time the City's Site Plan Agreement is registered. In such circumstances sufficient protection is afforded to the City to ensure that the lands are appropriately developed and title to the lands is affected by one less registered document.

This proposal has been canvassed and is supported by representatives of the Building, Planning and Development, and Environmental Services Departments.

5(b)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 January 22

REPORT TO: Stella Glover, Secretary
Planning & Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Security Reductions Related to Site Plan Control
(98.2.4.2.1.A, 98.5.7)

RECOMMENDATION:

(a) That reductions of security held under Site Plan Agreements be permitted to an amount equal to the total value of the works outstanding, but not less than 10% of the total value of the works required under the agreement; and,

(b) That reductions be dealt with on a request basis; and,

(c) That a Two Hundred Dollar ($200.00) adminstration fee be levied by the Building Commissioner for each security reduction request; and,

(d) That reduction requests be reviewed and processed by the Building Department upon the production by the Applicant, at the Applicant's sole expense, of an Engineer's Certificate, satisfactory to the Building Commissioner, which indicates:

  (i) a description of what works have been completed;

  (ii) the percentage of the total value of the works under the Site Plan Agreement that have been completed to date; and,

  (iii) that the amount of security remaining with the City is sufficient to cover the remainder of the work required under the Site Plan Agreement; and,

(e) That the City's Site Plan Agreement be revised accordingly; and,

(f) That the above changes to the City's Site Plan Policy be implemented so as to be retroactive to all Site Plan Agreements on a request by the owner basis.

.../2

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The costs associated with this recommendation are consistent with the user pay system.

There is an anticipated reduction in individual submissions to the Planning and Development Committee and, therefore, a cost savings for the municipality in staff time for the preparation and review of reports.

BACKGROUND:

The Planning and Development Committee at its meeting of 1997 December 11 requested that the process for handling security deposits for developers be reviewed.

Currently the City holds 75% of the total value of the works and facilities required under a Site Plan Agreement and allows a reduction to not less than 50% of the total value of the work required under the Agreement.

In order to facilitate reductions of securities in early 1994, a user pay system was established. A Two Hundred Dollar ($200.00) user fee reflected the estimated costs of the City to administer an interim reduction request.

The original recommendation which limited the reductions to not less than 50% of the total value was based on concerns that a developer might leave an unfinished site unless sufficient securities were held by the City.

The Building Department has received a number of inquiries and complaints regarding the present policy on reductions on development.

At present a development starts with securities at 75% of the total value of the required works. For example, by using a value of $100,000, when a project is 80% complete the developer is required to maintain securities at 250% of the value of outstanding work. This restriction has been found to be cause for increased frustration and an unnecessary financial burden for developers when they are unable to complete these final facilities (usually paving or plantings) due to weather conditions beyond their control.

During discussions with other Departments associated with the Site Plan process, there was concern voiced that security reductions to an amount equal to the cost of outstanding works was not sufficient should the City find it necessary to complete the works. There is, however, a standard clause, 12(d) in the Agreement that is registered on title, stating:

.../3

"If the costs of obtaining compliance exceed the value of the security filed with the City, the City is authorized by the Owner to add such excess to the tax collector's roll against the land to be recovered in the same manner as municipal taxes, without prejudice to any other right of the City to collect same;".

Through the experience of the Building Department in administering the completion of site facilities and return of securities, it is evident that this initiative is appropriate to accommodate the concerns of the development industry and still protect the interests of the City.

LCK/JS

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1998 February 4
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

Minutes of the meeting held 1998 January 21.

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

(i) Barton Village Business Improvement Area (B.I.A.) - 1998-2000 Board of Management

(ii) Barton Village Business Improvement Area (B.I.A.) - Proposed Budget and Schedule of Payments for 1998

C. DIRECTOR OF PLANNING AND DEVELOPMENT

Request for authorization for a public meeting for the Stinson Neighbourhood Plan Update.

D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

Wednesday, 1998 January 21
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

A.

There were present:

Alderman F. D'Amico, Chairperson
Alderman G. Copps, Vice-Chairperson
Mayor R. M. Morrow
Alderman M. Caplan
Alderman B. Charters
Alderman R. Corsini
Alderman F. Eisenberger
Alderman D. Haining
Alderman B. Kelly

Also present:

Alderman T. Jackson
Alderman B. Morelli
Alderman D. Wilson
Victor Abraham, Director of Planning and Development Department
Bill Janssen, Planning and Development Department
Joanne Hickey-Evans, Planning and Development Department
Keith Extance, Planning and Development Department
D. Powers, Law Office
A. Zuidema, Law Office
Roland Karl, Public Works and Traffic Department
Hazel Milsome, Public Works and Traffic Department
Eugene Chajka, Regional Environment Department
Len King, Building Department
Peter Lampman, Building Department
Stella Glover, Secretary

PUBLIC MEETINGS 9:30 o'clock

Prior to each Public Meeting Alderman D'Amico advised those present that as per the Planning Act the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at a Public Hearing.

1. **Rental Housing Protection Act Application CD-97-006, 23-25 Macauley Street West, North End West Neighbourhood**

Keith Extance of the Planning and Development Department advised the Committee that the proposal would not adversely affect the supply of rental housing in the City of Hamilton.

No member of the public came forward to speak on this matter.

As recommended in a report dated 1998 January 8 from the Director of the Planning and Development Department, the Committee recommended to Council as follows:

(a) That approval be given to Application CD-97-006, under the Rental Housing Protection Act, Emilia Fazekas, Owner, for conversion of 5 rental townhouse units to condominium townhouse for the property located at 23-25 Macauley Street West, subject to the following conditions:

(i) That the City offer, on behalf of the Owner, in writing, to the Tenants residing at the premises on the date of Council's approval, the right to lease their current unit or a unit upon which the tenant and landlord mutually agree for a period of not less than three years from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in Appendix "A", upon the following minimum terms:

(1) the Offer will be open for acceptance by the Tenants for a period of 30 days from the date the Offer is sent by the City; and,

(2) the City will send the Offer, by registered mail, to the tenants residing at the premises as of the date of Council approval of the RHPA application, immediately following the expiration of the appeal period of the Council approval provided that the prescribed Phase II fee has been paid by, or on behalf of, the owner; and,

(3) that the Tenants' rent will not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended; and,

(4) that the Tenants may terminate their lease, at any time, on 60 days written notice, without penalty; and,

(ii) That the City offer, on behalf of the Owner, in writing, to the Tenants residing at the premises on the date of Council's approval, an Option to purchase their current unit or a unit upon which the tenant and landlord mutually agree, together with appurtenant interests. Such Option shall allow each tenant at least three years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit. Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner; and,

(iii) (1) that the City send by registered mail to the tenants residing at the premises as of the date of the Council approval of the RHPA application, the Option to Purchase details set by City Council; and,

(2) that the notice indicated in section (ii) above shall be sent immediately following the expiration of the appeal period of the Council approval provided that the prescribed Phase II fee has been paid by, or on behalf of, the Owner; and,

(3) that the tenants noted in (ii) above shall be given 30 days from the date of the letter sent by the City to notify the City whether they are or are not interested in further considering the Option; and,

(iv) That this RHPA approval shall cease and be at an end:

(1) if the Owner has sold the land without entering into an RHPA Approval Agreement with the City and registering same on title; or,

(2) within two years from the date of Council's approval of RHPA application CD-97-006, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton; and,

(v) That the Owner enter into a RHPA Approval Agreement with the City in a form satisfactory to the City Solicitor, incorporating the City's conditions of approval listed herein and annexed hereto as Appendices "A" and "B", and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval; and,

(vi) In the event that the Owner proposes to sell all of the subject lands, he/she shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein; and,

(vii) That the Owner provide the City Solicitor with satisfactory evidence that any and all mortgagees of the property consent to the RHPA application; and,

(viii) That the Owner provide the City Solicitor with satisfactory evidence that there are no outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval; and,

(b) That upon satisfaction of the above-noted conditions, the City Solicitor be authorized to request that the City Clerk execute the RHPA Certificate of Approval.

2. City Initiative 97-C, for a Change in Zoning from "H" District to "C" District for Property Located at 166 Queenston Road

Paul Mallard of the Planning and Development Department addressed this issue and stated that of 225 notices sent out, 14 had been received in favour and 1 opposed to the proposal.

No member of the public came forward to speak on this matter.

As recommended in a report dated 1997 November 11 from the Director of the Planning and Development Department, the Committee recommended to Council as follows:

(a) That approval be given to City Initiative 97-C, for a change in zoning from "H" (Community Shopping and Commercial) District to "C" (Urban Protected Residential, etc.) District for property located at 166 Queenston Road, as shown on the attached map marked as Appendix "C", on the following basis:

(i) That the subject lands be rezoned from "H" (Community Shopping and Commercial) District to "C" (Urban Protected Residential, etc.) District; and,

(ii) That the attached By-law, which has been prepared in a form satisfactory to the City Solicitor, to amend Zoning By-law No. 6593 and Zoning District Map E-9D be enacted by City Council; and,

(iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

3. **Zoning Application 97-30, by 1186559 Ontario Inc. (Hai Chan Wah), owner, for Changes in Zoning for Lands Located at 21 Brantdale Avenue:**

Paul Mallard of the Planning and Development Department addressed this proposal and explained that as a former school site a potential existed for site contamination and therefore the Planning and Development Department were recommending the standard practice of placing a holding provision on the subject lands. He advised that of 109 notices sent, 16 had been received in favour and 8 opposed to the proposal.

A written submission opposing the application was received from Angelo and Gina Di Rosa, 172 West 2nd Street, Hamilton.

The Committee was in receipt of a written submission
Sergio Mancha of Planning Initiatives, 69 John Street South introduced Hai Chan Wah, the owner of the property and expressed concern with regard to the holding provision. He stated that he would adhere but felt this could be dealt with at the division of land stage. He asked the Committee to zone the site for single family and proceed with the severance.

As recommended in a report dated 1998 January 5 from the Director of the Planning and Development Department, the Committee recommended to Council as follows:

That approval be given Amended Zoning Application ZAC-97-30, 1186559 Ontario Inc. (Hai Chan Wah), owner, requesting a rezoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Detached) District (Block 1), and a modification to the "C" (Urban Protected Residential, etc.) District regulations (Block "2"), to permit the development of nine (9) single family detached dwellings, for property located at 21 Brantdale Avenue, as shown on the attached map marked as Appendix "D", on the following basis:

(a) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands Blocks "1" and "2"), by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as the owner submits a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment and Energy (MOEE), to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOEE.

City Council may remove the "H" symbol, and thereby give effect to the rezoning and modified provisions as stipulated in this By-law, by enactment of amending By-law once the condition is fulfilled; and,

(b) That Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Detached) District; and,

(c) That the "R-4" (Small Lot Single Family Detached) District regulations, as contained in Section 9A of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variance as a special requirement:

(i) That notwithstanding Section 9A(2)(c)(1), a minimum average lot width of 9.14 m shall be permitted; and,

(d) That the "C" (Urban Protected Residential, etc.) District regulations, as contained in Section 9 of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variance as a special requirement:

(i) That notwithstanding Section 9(4), a minimum lot width of at least 11.43 m and a minimum lot area of 348.36 m^2 shall be permitted; and,

(e) The amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1393, and that the subject lands on Zoning District Map W-7 be notated S-1393; and,

(f) That the City Solicitor be direct to prepare a By-law to amend Zoning District Map W-7 for presentation to City Council; and,

(g) That the proposed modification in zoning is in conformity with the Official Plan for the City of Hamilton Planning Area.

4. **Revised Draft Plan of Subdivision "James Mount Gardens" (File No. 25T-91007(R)) and Zoning Application 97-24, by 90074 Ontario Inc. Setay Investment, c/o Mr. Gordon Albini, Owner for Changes in Zoning for Property Located at the Rear of 1451-1471 Upper James, South-East of DiCenzo Drive.**

Paul Mallard advised that of 69 notices sent, 4 had been received in favour and 4 opposed to the application.

Alban Olds of 18 Aqua Santa Crescent and Domenic Delibato of 14 Aqua Santa Crescent attended and asked for clarification on the proposed two family dwellings. They stated that they had purchased their properties based on the assurance that the surrounding properties would be single family dwellings. They expressed concern that anything else would be too clustered, they paid high taxes and single family was the kind of neighbourhood they wished to live in.

Sergio Mancha spoke on behalf of Gordon Construction and said he believed the new layout was better for traffic flow and allowed better land use, it was also in keeping with the Ryckman Neighbourhood Plan. He displayed plans of the proposed semi-detached homes and said this would be an aesthetically pleasing community. Mr.

Mancha informed the opponents that Aqua Santa Crescent would continue to be single family homes.

Roy Yates of Gordon Construction expressed concern that two family homes not be considered inferior and stated that the proposal was for quality homes.

After consideration the Committee agreed that this matter be tabled for two weeks in order to resolve this problem. The Planners are to conduct a meeting with the area residents and come to an understanding.

5. **City Initiative 97-D and SAC 97-06, Rezoning Application and Plan of Subdivision - Lands North of Mud Street, East of Mount Albion Road, West of the Municipal Boundary, in the Albion Falls Neighbourhood (Albion Mills Estate).**

Joanne Hickey-Evans of the Planning and Development Department explained the proposal and the recommendation.

In response to a question from Denis Therrien of 10 Tamarack Place, Ms. Hickey-Evans explained that the holding zone would prevent individual access to Mud Street at the present time.
The Committee was in receipt of a letter dated 1998 January 20 from the Director of Planning, City of Stoney Creek requesting that this matter be tabled until the City of Stoney Creek had had the opportunity to consider the traffic planning issues.

The Committee was also in receipt of written submission from Cathy and William Winton, 20 Tamwood Court, Stoney Creek in opposition to the application.

After consideration, and as recommended in a report dated 1998 January 14 from the Director of the Planning and Development Department, the Committee recommended to Council as follows:

(a) That approval be given to Subdivision Application SAC-97-06 (Regional File No. 25T-97013), City of Hamilton, owner, to establish a draft plan of subdivision "Albion Mills Estates" for 92 lots for single-family dwellings, 1 block to be added with adjacent lands, and to construct 3 streets, for lands located north of Mud Street, east of Mount Albion Road and west of the municipal boundary, as shown on the attached map marked as Appendix "E", subject to the following conditions:

(i) That this approval apply to the plan, prepared by Regional Municipality of Hamilton-Wentworth and certified by Kin Lau, O.L.S., dated August 7, 1997, as red line revised, showing 92 lots for single detached dwellings, and 1 Block; and,

(ii) That the owner implement the preferred solution of the Montgomery Creek Stormwater Management Class Environmental Assessment to the satisfaction of the Commissioner of the Regional Environment Department; and,

(iii) That a 2.0 metre x 2.0 metre daylight triangle be established on the corner lot on all "L" shaped streets; and,

(iv) That Lots 1 to 7, inclusive not be developed until such time as the existing creek is relocated or is no longer required for

drainage purposes to the satisfaction of the Commissioner of the Regional Environment Department; and,

(v) That Lots 1 to 7, inclusive, not be developed until such time as a noise feasibility study is submitted to the satisfaction of the Commissioner of Regional Environment Department and prepared by a qualified professional. The noise study is to contain an investigation of the noise levels impacting the proposed development, and the necessity for noise control measures.

Should the noise feasibility study demonstrate the potential for significant noise impacts, submission to the satisfaction of the Region of a detailed acoustical report prepared by a qualified professional, with said report containing the recommended noise control measures; and,

(vi) That a physical barrier which prevents vehicular access to the City owned lands, external to the plan, be provided, at the cost of the developer, along Kingsview Drive on or adjacent to the City owned lands. The design and the construction is to be to the satisfaction of the City Engineer; and,

(vii) That the Developer provide a 3.0 m wide granular trail between Kingsview Drive and the storm sewer outlet at Montgomery Creek. The design and construction be to the satisfaction of the Commissioner of the Public Works and Traffic Department; and,

(viii) That the roof leaders not be connected to the storm sewer; and,

(ix) That a chain link fence, minimum 1.5 in height, be provided and maintained along the rear of the Lots 8 to 21 inclusive, the westerly lot line of Lot 8 and the northerly lot line of Lot 7; and,

(x) That the final plan conform with the applicable provisions of the "B-2" (Suburban Residential, etc.) District, "C" (Urban Protected Residential, etc.) District and the "R-4" (Small Lot Single Family Dwelling) District in the City of Hamilton Zoning By-law No. 6593; and,

(xi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the Subdivision in the Final Plan; and,

(xii) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under section 51 of the Planning Act; and,

(xiii) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement, prior to the issuance of a final release by the City of Hamilton; and,

(xiv) That the streets be named to the satisfaction of the City of Hamilton and the Region of Hamilton-Wentworth; and,

(xv) That the lot lines of Lots 17 to 23, inclusive, and Lots 33 to 36, inclusive, be revised to the satisfaction of the Manger of Traffic Planning, Public Works and Traffic Department; and,

(xvi) That the City of Stoney Creek be requested, and agree to lifting the 0.3 m reserve on the westerly end of Kingsview Drive (Agate street) shown as Block 42 on Plan 62M-399 in order to provide street access to this subdivision through Kingsview Drive and Paramount Drive in the City of Stoney Creek; and,

(xvii) That Lots 72 to 92 inclusive not be developed until such time as Mud Street is closed to the east, realigned to the east and this section of Mud Street reverts to a local cul-de-sac roadway; and,

(xviii) That the streets be dedicated to the City of Hamilton as public highways in the final plan; and,

(xix) That the owner prepare and submit a municipal street numbering plan to the satisfaction of the Director of Planning and Development Department; and,

(xx) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,

(xxi) That prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:

(1) That all erosion and sediment control measures be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated; and,

(2) That the Owner provide an inspection report prepared by a qualified professional engineer of all erosion and sediment control measures after each rainfall to the satisfaction of the Manger of Development, Regional Environment Department; and,

(3) That any disturbed area not scheduled for further construction within 45 days be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,

(4) That all disturbed areas be revegetated with permanent cover immediately following completion of construction; and,

(xxii) That the Owner be required to enter into a subdivision agreement with the City of Hamilton prior to development of any portion of these lands; and,

(xxiii) That the owner agree to satisfy all the requirements, financial and otherwise, of the City of Hamilton prior to the development of any portion of the lands; and,

(b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the City of Hamilton with respect to this application (SAC 97-06/25T-97013), "Albion Mills Estates", proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,

(c) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of City Council's decision; and,

(d) That approval be given to City Initiative 97-D, for changes in zoning from "A" (Conservation, Open Space, Park and Recreation, etc.) District to "B-2" (Suburban Residential, etc.) District for Block "1"; to "C" (Urban Protected Residential, etc.) District for Block "2" and "R-4" (Small Lot Single Family Dwelling) District, modified for Block "3", to permit the development of the subject lands for 71 large lot single-family dwellings (i.e. 15 m lot frontage - Block "1"); 11 single-family dwellings (i.e. 12 m lot frontage - Block "2"); and 10 small lot single-family dwellings (i.e. 10 m lot frontage - Block '3"), for lands located north of Mud Street, east of Mount Albion Road and west of the municipal boundary, as shown on the attached map marked as Appendix "F"; and,

(i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to Blocks "2" and "3" by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of the lots fronting on Mud Street until such time as Mud Street is realigned to the east and Mud Street reverts to a local cul-de-sac roadway.

Removal of the holding restriction shall be conditional upon Mud Street being realigned to the east and Mud Street reverting to a local cul-de-sac roadway. City Council may remove the 'H' symbol, thereby, giving effect to the "C" and "R-4" District provisions as stipulated in this By-law by an enactment of an amending By-law once the condition is fulfilled; and,

(ii) That Block "1" be rezoned from "A" (Conservation, Open Space, Park and Recreation, etc.) District to "B-2" (Suburban Residential) District; and,

(iii) That Block "2" be rezoned from "A" (Conservation, Open Space, Park and Recreation, etc.) District to "C" (Urban Protected Residential, etc.) District; and,

(iv) That Block "3" be rezoned from "A" (Conservation, Open Space, Park and Recreation, etc.) District to "R-4" (Small Lot Single-Family Dwelling) District; and,

(v) That the "R-4" (Small Lot Single Detached Dwellings, etc.) District, as contained in Section 9A of Zoning By-law No. 6593, applicable to Block "3", be modified to include the following variances as special requirements:

(1) That notwithstanding Section 9A.2.(b)1.(ii)B., in the case of a corner lot shall have a westerly side yard of not less than 3.0 m; and,

(2) That notwithstanding Section 9A.2.(c)1., the corner lot shall have a minimum frontage of 13 m and all other lots shall have a minimum lot frontage of 10 m; and,

(vi) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1394, and that Blocks "2" and "3" on Zoning District Map W-23 be notated S-1394; and,

(vii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-23, for presentation to City Council; and,

(viii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,

(ix) Upon finalization of the implementing zoning by-law, the approved Albion Falls Neighbourhood Plan be revised by changing the road pattern.

6. **Proposed Plan of Subdivision SAR-97-07 by 712169 Ontario Limited (Gino Malatesta) Owner, for Lands Located South of Delena Avenue South and North of Central Avenue**

The Committee was in receipt of a report dated 1998 January 13 from the Director of the Planning and Development Department.

Written submissions were also received from the following:

(a) Betty and Ron Paolini, 121 Beland Avenue South
(b) John and Teresa Kubay, 122 Beland Avenue South

Paul Mallard stated that of 185 notices sent, 20 had been received in favour and 19 opposed to the proposal.

Al Fletcher, Planner with A.J. Clarke and Associates Ltd. attended together with the owner of the property, G. Malatesta, and stated that he was in agreement with the Planning and Development Department recommendation.

Mr. Brownie Marusaik of 89 Delena Avenue South spoke against the proposed cul-de-sac and requested that the street instead be made a through street. He stated that the street had originally been made a dead end because of a school which was on the site, however the school was no longer there. He felt that the existing proposal would make the parcel of land too crowded and would increase the traffic by 50%.

Lori Toljan of 113 Beland Avenue South spoke of the volume of truck traffic passing through every day and requested that Delena be made a through street. She stated that children had been hurt by the traffic.

Ward Aldermen Dave Wilson and Geraldine Copps spoke on behalf of the area residents who had stated very clearly that the vast majority of residents wished a through street.

After consideration the Committee approved the following revised recommendation to include a through street on Delena Avenue:

(a) That approval be given to Subdivision Application 97-07 (Regional File 25T-97-016), 712169, Ontario Ltd. (G. Malatesta), applicant, to establish a draft plan of subdivision "Delena Extension", for lands located South of Delena Avenue and North of Central Avenue (No. 1133 Central Avenue), as shown on the attached map marked as Appendix "K", comprising of 10 lots for single detached dwellings and the future extension of Delena Avenue, subject to the following conditions:

(i) That this approval apply to the plan, prepared by A.J. Clarke and Associates Limited and certified by B.J. Clarke, O.L.S., dated November 24, 1997, showing 10 lots for single detached dwellings and the future extension of Delena Avenue, (see attached Appendix "L"); and,

(ii) That land severance applications B-97-75 and B-97-78 to 80, pending a hearing of the Ontario Municipal Board, be withdrawn; and,

(iii) That the owner submit a signed Record of Site Condition (RSC) to the satisfaction of the Region of Hamilton-Wentworth and the Ministry of Environment and Energy (MOEE) and written acknowledgement of same by the MOEE; and,

(iv) That the proposed extension of Delena Avenue shall align centreline to centreline with Taylor Avenue to the south; and,

(v) That the final plan conform with the applicable provisions of the "C" (Urban Protected Residential, etc.) District in the City of Hamilton Zoning By-law No. 6593; and,

(vi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the Subdivision in the Final Plan; and,

(vii) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes; and,

(viii) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement, prior to the issuance of a final release by the City of Hamilton; and,

(ix) That the proposed extension of Delena Avenue be dedicated to the City of Hamilton as a public highway in the final plan and be established and constructed to its full width; and,

(x) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan; and,

(xi) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,

(xii) That prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:

(1) That all erosion and sediment control measures be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated; and,

(2) That the owner provide an inspection report prepared by a qualified professional engineer of all erosion and sediment control measures after each rainfall to the satisfaction of the Senior Director, Roads Department; and,

(3) That any disturbed area not scheduled for further construction within 45 days be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,

(4) That all disturbed areas be revegetated with permanent cover immediately following completion of construction; and,

(xiii) That the owner be required to enter into a subdivision agreement with the City of Hamilton prior to development of any portion of these lands; and,

(xiv) That the owner agree in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton prior to the development of any portion of these lands; and,

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SAR-97-07/25T-97016), "Delena Extension", proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,

(c) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

7. 1997 Planning Conferences

As recommended in a report dated 1998 January 6 from the Director of the Planning and Development Department, the Committee recommended to Council as follows:

(a) That the Chairman and/or up to 4 designates attend the 1998 American Planning Association National Conference in Boston; and,

(b) That the Chairman or his designate attend the 1998 Canadian Institute of Planners Conference in Winnipeg; and,

(c) That cost for attendance be allocated to the Aldermen Travel Account No. CH55201-10010, from the 1998 Operating Budget.

8. Sub-Committees of the Planning and Development Committee

The Committee was in receipt of an information report dated 1997 November 28 from the City Clerk respecting the above noted matter. This had been tabled at the previous meeting. After consideration the Committee approved the following:

(a) That the following Sub-Committees be reconfirmed as Sub-Committees of the Planning and Development Committee:

(i) Beach Neighbourhood Plan Implementation Committee
(ii) BIA and Business Co-Ordinating Committee
(iii) Central Area Plan Implementation Committee
(iv) Local Architectural Conservation Advisory Committee

(b) That the following Sub-Committees of the Planning and Development Committee be disbanded:

(i) CN Station Citizens Advisory Committee
(ii) Hamilton Harbour Land Use Planning Sub-Committee

(c) That the following Ward 4 and 5 Aldermen be appointed to serve on the Beach Neighbourhood Plan Implementation Committee:

(i) Alderman D. Wilson
(ii) Alderman G. Copps
(iii) Alderman C. Collins
(iv) Alderman F. Eisenberger

(d) That the following member of City Council be appointed to serve on the BIA and Business Co-ordinating Committee:

(i) Alderman M. Caplan

(e) That the following members of City Council be appointed to serve on the Central Area Plan Implementation Committee:

(i) Alderman R. Corsini
(ii) Alderman G. Copps

(f) That the following two members of City Council be appointed to serve on the Local Architectural Conservation Advisory Committee:

(i) Alderman F. D'Amico
(ii) Alderman B. Kelly

9. Letter from Residents of Queen Street South Opposing Proposed Residential Care Facility at 366 Queen Street South

The Committee received the letter dated 1997 December 1 from Residents of Queen Street respecting the above noted matter.

10. CONSENT AGENDA

The Committee was in receipt of its Consent Agenda and approved the following:

A. ADOPTION OF MINUTES

That the minutes of meeting held 1997 December 11 were adopted as circulated.

B. BUILDING COMMISSIONER

(a) Commercial Property Improvement Loan Program - 340 Barton Street East

The Committee was in receipt of report dated 1998 January 7 respecting the above-noted matter and approved the following recommendation:

(i) That 1160584 Ontario Inc. (John Howard, Allan Guitar) be issued a cheque in the amount of $4,500 on 1998 August 1, which represents the second grant installment as per the terms of the Barton Street Revitalization Program, provided that the applicant still owns the property on 1998 August 1; and,

(ii) That 1160584 Ontario Inc. (John Howard, Allan Guitar) be issued a cheque in the amount of $6,000 on 1999 August 1, which represents the third and final grant installment as per the terms of the Barton Street Revitalization Program, provided that the applicant still owns the property on 1999 August 1.

(b) 1457 Upper Sherman Avenue - Demolition

The Committee was in receipt of report dated 1998 January 7 respecting the above-noted matter and approved the following recommendation:

That the Building Commissioner be authorized to issue a demolition permit for 1457 Upper Sherman Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(c) 21 Arden Avenue - Demolition

The Committee was in receipt of report dated 1998 January 7 respecting the above-noted matter and approved the following recommendation:

> That the Building Commissioner be authorized to issue a demolition permit for 21 Arden Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(d) **Commercial Property Improvement Loan Program - 536 Concession Street**

The Committee was in receipt of report dated 1998 January 7 respecting the above-noted matter and approved the following recommendation:

> That a Commercial Property Improvement Loan in the amount of twelve thousand, three hundred and thirty-two dollars ($12,332) to Patricia Woolcott for improvements to 536 Concession Street be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate will be 3 per cent amortized over ten years.

C. DIRECTOR OF PLANNING AND DEVELOPMENT

(a) **"Domvir Estates - Phase 1", Hamilton**
"Highridge South - Phase 3", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

The Committee was in receipt of report dated 1998 January 7 respecting the above-noted matter and approved the following recommendation:

> That the City of Hamilton accept the sum of $7,200 in connection with "Domvir Estates -Phase 1", Hamilton, and $109,250 in connection with "Highridge South - Phase 3", Hamilton as the cash payments in lieu of the 5% land dedication required under Section 51 of the Planning Act.

(b) **Site Plan Control Application DA-97-23, 450 Ottawa Street North and 1089-1091 Barton Street East**

The Committee was in receipt of report dated 1998 January 6 respecting the above-noted matter and approved the following recommendation:

> That Site Plan Control By-law 79-275 as amended by By-law No. 87-223 be amended by adding 1089-1091 Barton Street East to Schedule "A".

D. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

(a) Deterioration of Vacant Heritage Buildings - Need for Stronger Preventative Measures

The Committee was in receipt of a report dated 1998 January 13 respecting the above noted matter and approved the following recommendation:

> That the Planning and Development Department and the Building Department be requested to investigate measures for strengthening regulations to prevent the deterioration of vacant heritage buildings in the City of Hamilton.

(b) Professional appraisal of Bellevue, 14 Belvidere Avenue

The Committee was in receipt of report dated 1998 January 13 respecting the above-noted matter and approved the following recommendation:

(i) That the City hire an appraiser at an estimated cost of $2,500 to $3,000 to make a professional evaluation of Bellevue, the designated property at 14 Belvidere Avenue, Hamilton; and,

(ii) That the Finance and Administration Committee be requested to recommend the method of financing.

E. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

(a) Downtown Hamilton Business Improvement Area (B.I.A.) - 1998-2000 Board of Management

The Committee was in receipt of report dated 1998 January 9 respecting the above-noted matter and approved the following recommendation:

> That Schedule "A" and "B" of By-law No. 83-71, as amended, appointing the Downtown Hamilton B.I.A. Board of Management be repealed and the following names substituted:
>
> **SCHEDULE "A"**
> Alderman A. Horwath
> Alderman R. Corsini
>
> **SCHEDULE "B"**

Kim Finlay	K.D.Finlay Clothier (owner)
Al Peckham	Royal Bank (owner)
Alex Herpers	Herpers Gowling (tenant)
Ray Harris	Harris and Henderson (tenant)
Jordan Livingston	Livingston Furs (tenant)
Reg Titian	Reggie's Music and Sound (owner)
Kathy Wiegand	Right House (owner)

Bob Sorenson	Sundried Tomatoes (tenant)
Mike McNally	Jessett Investments (owner)
Gerry Attard	Ramada Hotel (tenant)
Roger Letourneau	Just Imagine Printing (tenant)
Dick Brocker	Royal Connaught Hotel (owner)
Rose Ianuzzi	CIBC (owner)
Nancy Godwin	Nancy Godwin, Barrister & Solicitor (tenant)
David Blanchard	Hughson Business Space Corporation (owner)
Dennis Lugowy	Dennis Lugowy, Chartered Accountant (tenant)

(b) **Downtown Hamilton Business Improvement Area (B.I.A.) - Proposed Budget and Schedule of Payments for 1998**

The Committee was in receipt of report dated 1998 January 9 respecting the above-noted matter and approved the following recommendation:

(i) That the 1998 operating budget for the Downtown Hamilton B.I.A., attached hereto as Appendix "G", be approved in the amount of ninety-two thousand, four hundred dollars ($92,400); and,

(ii) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 1998 budget as referenced in (a) above; and,

(iii) That the following schedule of payments for 1998 be approved:

February 01	$23,100
March 01	$23,100
June 01	$23,100
September 01	$23,100

NOTE: 1997 levy arrears will be deducted from the payment for 1998.

(c) **Expansion of the Barton General Community Improvement Project Area**

The Committee was in receipt of report dated 1998 January 14 respecting the above-noted matter and approved the following recommendation:

(i) That the City Solicitor prepare, and City Council approve, a By-law to expand the Barton Village Community Improvement Project Area (C.I.P.A.) in accordance with the plan attached as Appendix "H" in order to implement the Commercial Property Improvement Program and the Barton Revitalization Program to owners of commercial property within the expanded area; and,

(ii) That the Planning and Development Committee convene a public meeting to receive citizen input on the expansion of the corresponding

Barton Village Community Improvement Plan (C.I.P.) as required under The Planning Act, Section 28.

(d) **Expansion of the Downtown Hamilton B.I.A. Community Improvement Project Area**

The Committee was in receipt of report dated 1998 January 14 respecting the above-noted matter and approved the following recommendation:

(i) That the City Solicitor prepare, and City Council approve, a By-law to expand the Downtown Hamilton B.I.A.'s Community Improvement Project Area (C.I.P.A.) in accordance with the plan attached as Appendix "I" in order to implement the Commercial Property Improvement Program to owners of commercial property within the expanded area; and,

(ii) That the Planning and Development Committee convene a public meeting to receive citizen input on the expansion of the corresponding Downtown Hamilton B.I.A.'s Community Improvement Plan (C.I.P.) as required under The Planning Act, Section 28.

(e) **Expansion of the Main Street West Community Improvement Project Area**

The Committee was in receipt of report dated 1998 January 14 respecting the above-noted matter and approved the following recommendation:

(i) That the City Solicitor Prepare, and City Council approve, a By-law to expand the Main Street West Community Improvement Project Area (C.I.P.A.) in accordance with the plan attached as Appendix "J" in order to implement the Commercial Property Improvement Program to owners of commercial property within the expanded area; and,

(ii) That the Planning and Development Committee convene a public meeting to receive citizen input on the expansion of the corresponding Main Street West Community Improvement Plan (C.I.P.) as required under The Planning Act, Section 28.

F. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

(a) **Information Items**

The Committee was in receipt of report dated 1998 January 14 respecting the above-noted matter and approved the following recommendation:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(i) Site Plans for Approval.

(ii) Minutes of the Local Architectural Conservation Advisory Committee Meeting Held 1997 November 3.

(iii) Information Report Dated 1997 December 18 From the Commissioner of Public Works and Traffic Respecting Barton Village Business Improvement Area - Fund Raising for a Bronze Sculpture of Robert Land.

(iv) Minutes of the Local Architectural Conservation Advisory Committee Meetings held 1997 November 24 and December 8.

11. OTHER BUSINESS

(a) Interim Control By-law

Alderman Fred Eisenberger referred to Plastimet and suggested exploring the use of an interim control by-law to look at this whole area, to determine the amount of storage in the area, and whether it is in an appropriate location. The Committee agreed as follows:

That staff be directed to look into this matter and bring back a report to the Planning and Development Committee.

(b) Demolition Permit Application

Alderman Ron Corsini drew the Committee's attention to a demolition permit application for 85 Wellington Street North. It was pointed out that the property was an eyesore and in dangerous condition and Ald. Corsini asked to a speedy resolution to this situation, particulary in view of the fact that the owner was unable to get insurance on the property. This request was supported by Ald. Fred Eisenberger and Mayor Morrow.

Peter Lampman explained that it was necessary for a zoning application to be approved before a demolition permit could be approved for the property.

After consideration the Committee approved the following:

That the Building Commissioner be authorized to issue a demolition permit for the building located at 87 - 95 Wellington Street North, subject to the following condition:

(i) That the applicant receives a building permit for a replacement building on this property within six (6) months from the date that the demolition has been issued.

(c) Added Report - City Solicitor - Ontario Municipal Board Hearing

The Committee moved In-Camera to discuss a Private and Confidential Report from the City Solicitor.

The Committee then moved back into regular session and approved the following:

That City Staff be authorized to adjourn the Ontario Municipal Board Hearing concerning the Committee of Adjustment Decision respecting Application A-97-114, scheduled for January 22, 1998, in order that the particulars of a potential settlement can be finalized for review by, and a recommendation from, the Planning and Development Committee.

(d) **Expropriation of Lands for Claudette Gate and Alfrin Court**

Tony di Silvestro attended together with Planner, Mr. Camarachi of Urbex Engineering and stated that an oversight had been made at the time of compensation of the above lands. Mr. Camarachi asked the Committee to consider rectifying the matter and circulated copies of a letter dated 1997 December 12 from Mr. Di Silvestro to the Manager of Development, Regional Environment Department in this regard.

Following discussion, the Committee agreed as follows:

That a Report be prepared by Staff on the possible options for the next meeting of the Planning and Development Committee and, in the meantime, any agreements in this regard be deferred until this matter has been dealt with.

(e) **Urban Entertainment Centres**

The Committee moved in camera for consideration of a business opportunity.

The Committee then moved back into regular session and approved the following:

That staff be authorized and directed to undertake a study to determine the appropriate policy and location requirements for an "Urban Entertainment Centre" within the City of Hamilton.

12. **ADJOURNMENT**

There being no further business, the Committee meeting then adjourned.

Taken as read and approved.

Alderman F. D'Amico
Chairperson
Planning and Development Committee

Stella Glover
Secretary

/jt

Appendix "A" as referred to in Section 1(a)(i) and 1(a)(v) of the Planning and Development Committee Minutes dated 1998 January 21

List of Tenants at 23-25 Macauley Street West:

Charles and Jeanette Fair
Unit #1
23-25 Macauley Street West
Hamilton, Ontario
L8L 1E6

Monthly Rent: $720.00

Penny Richard
Unit #2
23-25 Macauley Street West
Hamilton, Ontario
L8L 1E6

Monthly Rent: $750.00

Patricia Dugas
Unit #3
23-25 Macauley Street West
Hamilton, Ontario
L8L 1E6

Monthly Rent: $750.00

Gloria and Lloyd MacKenzie
Unit #4
23-25 Macauley Street West
Hamilton, Ontario
L8L 1E6

Monthly Rent: $750.00

Tuyen Nguyen
Unit #1
23-25 Macauley Street West
Hamilton, Ontario
L8L 1E6

Monthly Rent: $700.00

Appendix "B" as referred to in Section 1(a)(v)
of the Planning and Development Committee
Minutes dated 1998 January 21

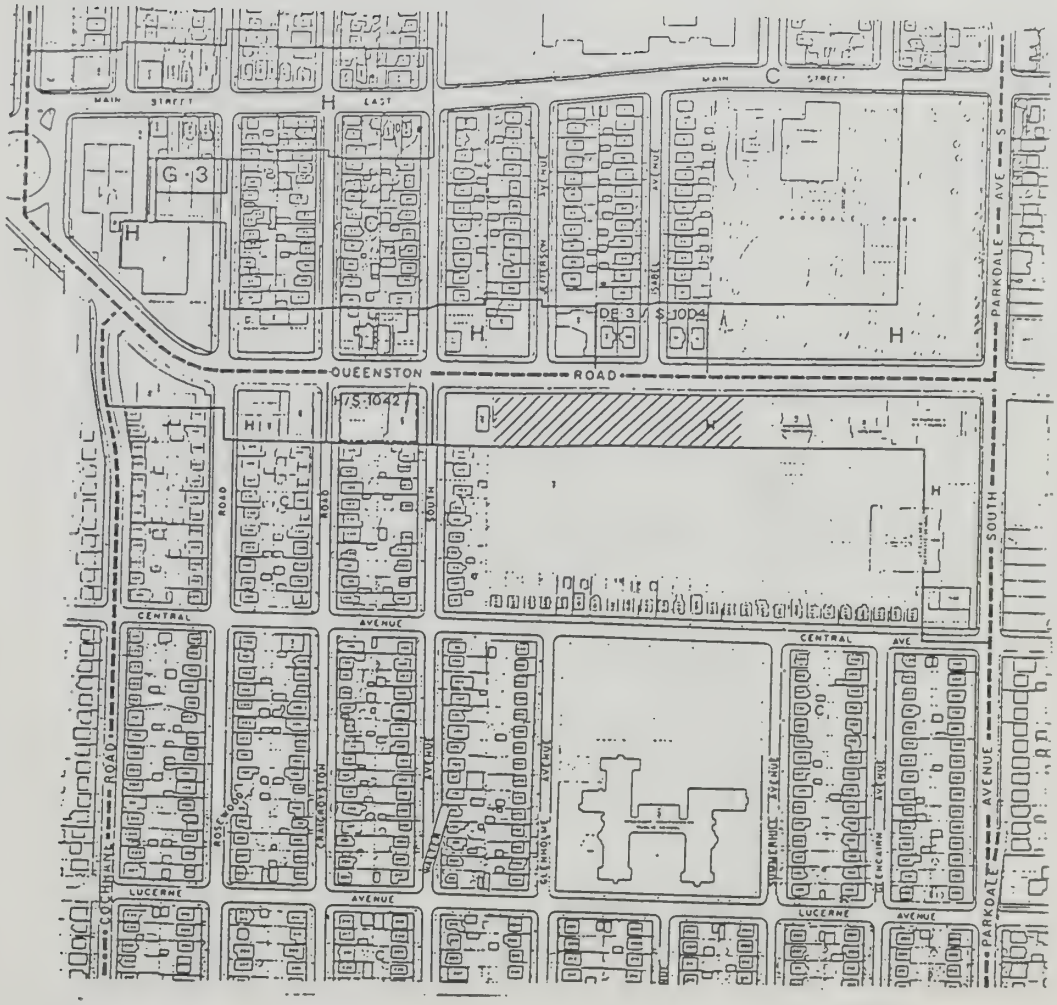
The conditions of RHPA approval are subject to the following standard terms, which terms shall form part of the applicable document:

(a) The following documents, namely the RHPA Approval Agreement, the leases and the Options to purchase shall be prepared by the Owner and registered by the Owner at his/her expense, including payment of registration fees.

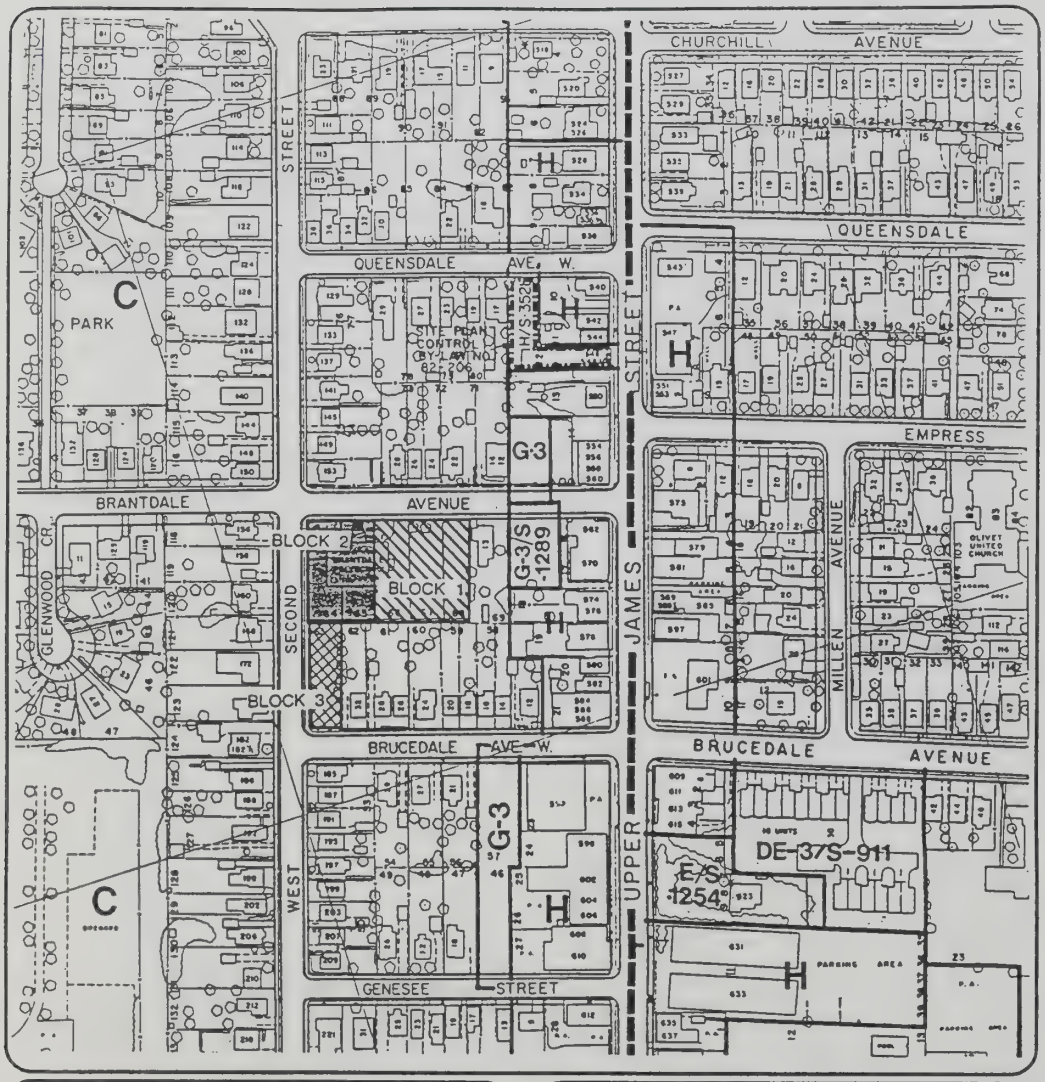
(b) If the Tenant at any time vacates their rental unit, the Tenant's rights pursuant to lease and the Option to Purchase shall cease. The Tenant may not enter into an Agreement of Purchase and Sale unless the Tenant is at the time of its execution in possession of a rental unit.

(c) The Tenant's rights under the RHPA Approval Agreement, the lease, and the Option to Purchase shall be personal to the named Tenant(s) only and not assignable by the Tenant(s) to anyone, unless approved by the owner, in the owners absolute discretion.

Appendix "C" as referred to in Section 2(a)
of the Planning and Development Committee
Minutes dated 1998 January 21


MAIN STREET
MAIN STREET
EAST
G-3
H
H
H

Appendix "D" as referred to in Section 3
of the Planning and Development Committee
Minutes dated 1998 January 21



Legend

BLOCK 1 "C" (Urban Protected Residential, etc.) District to "R-4"-"H" (Small Lot Single Family Detached-Holding) District, Modified.

BLOCK 2 "C" (Urban Protected Residential, etc.) District to "C"-"H" (Urban Protected Residential, etc. - Holding) District, Modified.

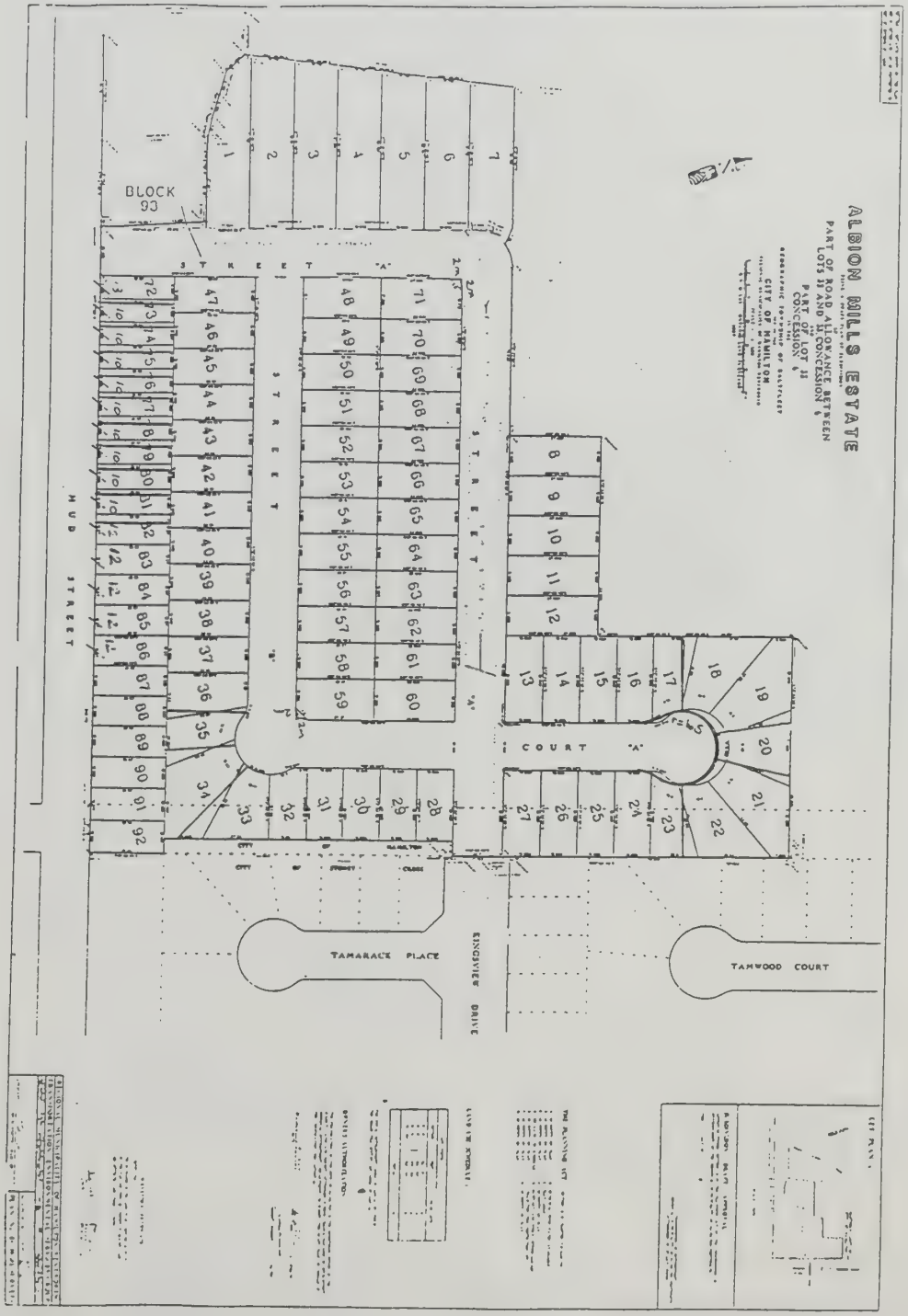
BLOCK 3 "C" (Urban Protected Residential, etc.) District to "C"-"H" (Urban Protected Residential, etc. - Holding) District.

City of Hamilton

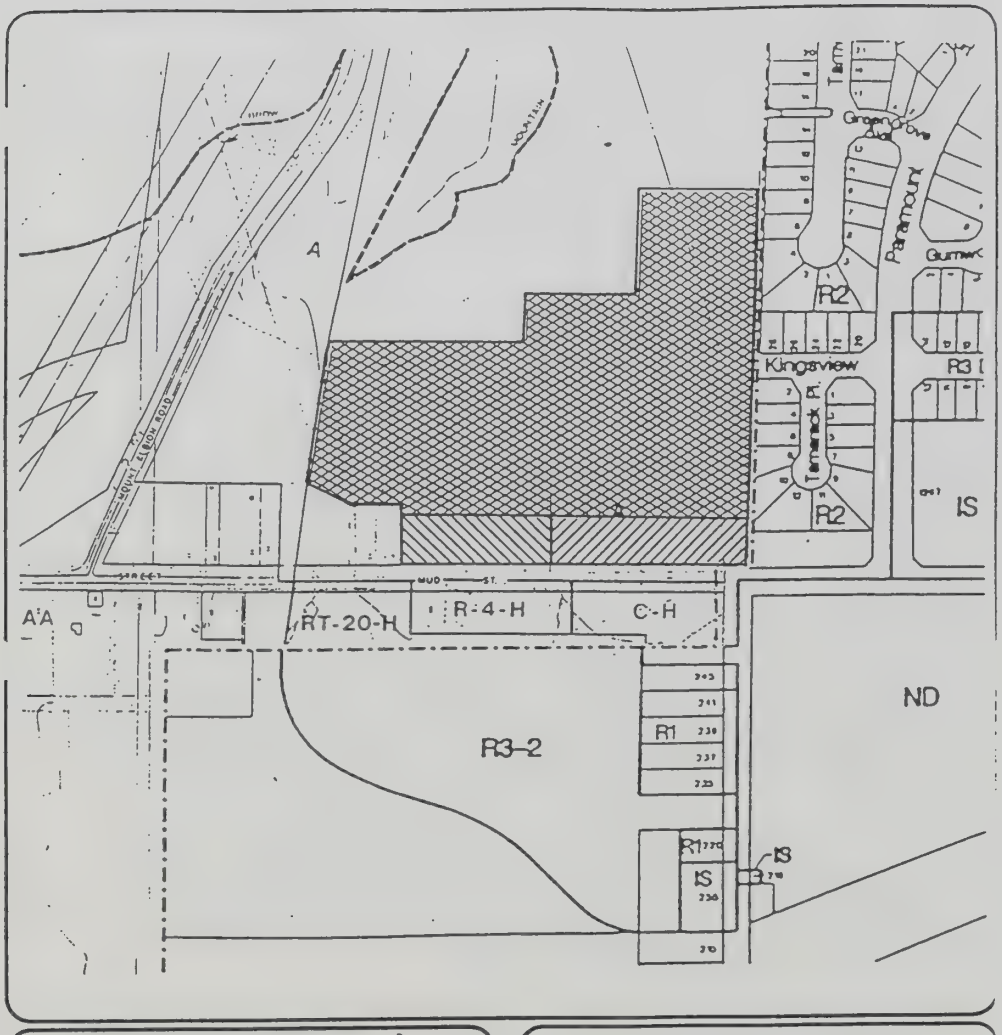
Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	ZAC-97-30
	Date	Drawn By
	DECEMBER, 1997	R.L.

Appendix "E" as referred to in Section 5(a)
of the Planning and Development Committee
Minutes dated 1998 January 21



Appendix "F" as referred to in Section 5(d)
of the Planning and Development Committee
Minutes dated 1998 January 21



Legend

Change in Zoning from "A" (Conservation, Open Space, Parkland and Recreation) District to

BLOCK 1 "B-2" (Suburban Residential) District

BLOCK 2 "C"-'H' (Urban Protected Residential, etc. - Holding) District

BLOCK 3 "R-4"-'H (Small Lot Single Family Dwelling - Holding) District

City of Hamilton

Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	CI-97-D SAR-97-06
	Date	Drawn By
	NOVEMBER, 1997	B. B.

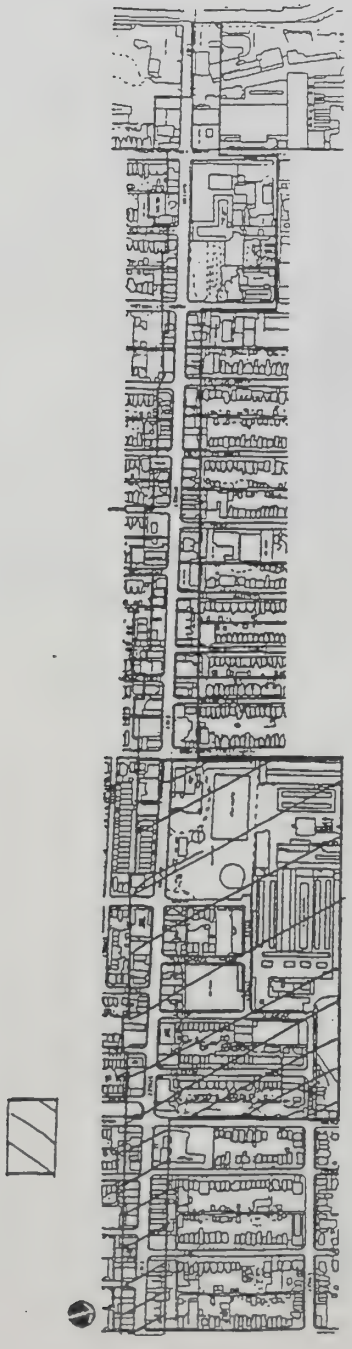
Appendix "G" as referred to in Section E.(b)(i)
of the Planning and Development Committee
Minutes dated 1998 January 21

DOWNTOWN HAMILTON BUSINESS IMPROVEMENT AREA (B.I.A.)

1998 BUDGET

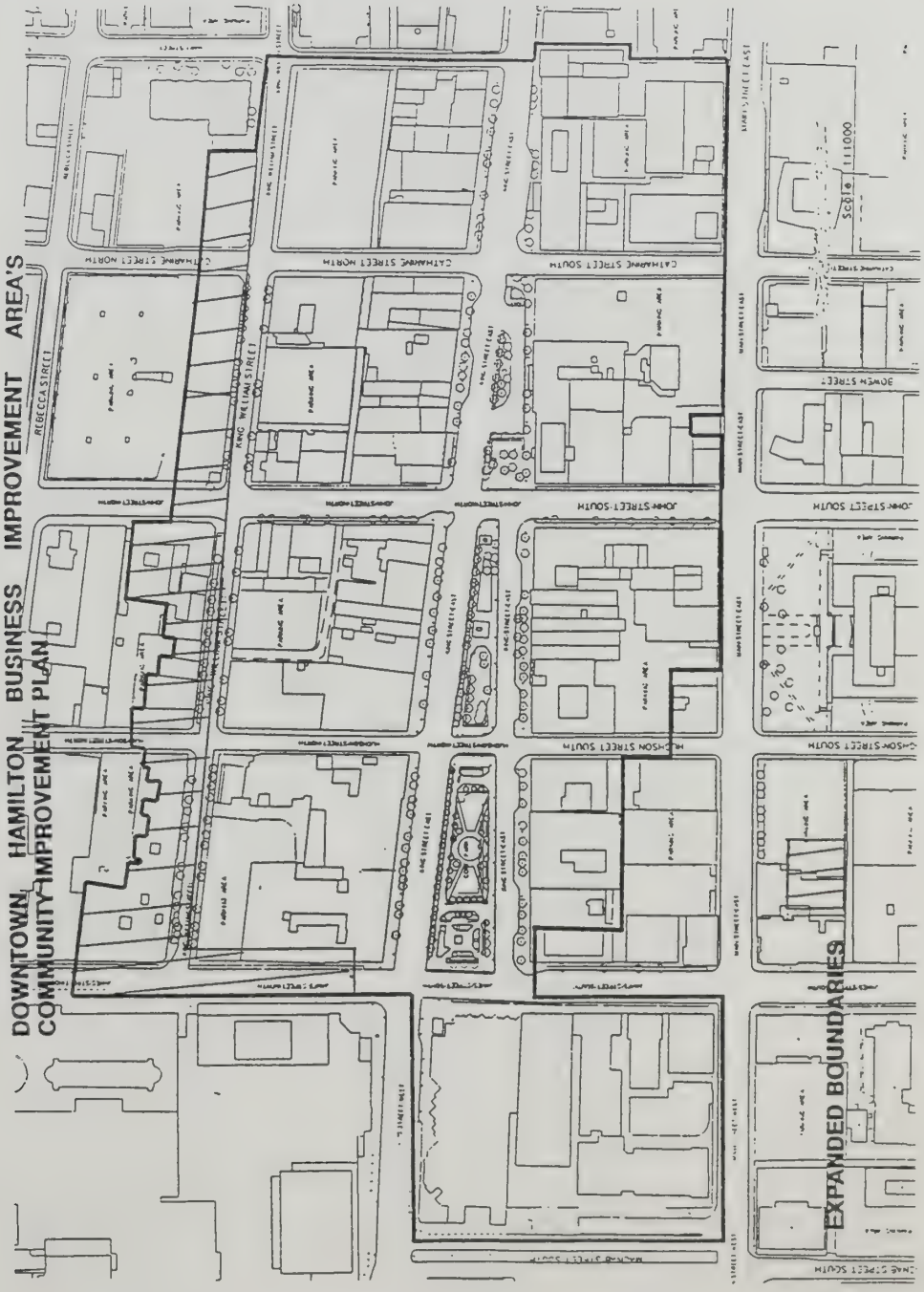
Promotions and Special Events (Summer Programs, Sponsorships, Christmas, Other Events)	$18,000
Administration (Rent, Meetings, Utilities, Office Expenses and Supplies, Telephone, Meetings, etc.)	$20,000
Management Fees (For Services of Executive Director)	$40,000
Reserve	$14,400
TOTAL	**$92,400**

Appendix "H" as referred to in Section E.(c)(i)
of the Planning and Development Committee
Minutes dated 1998 January 21

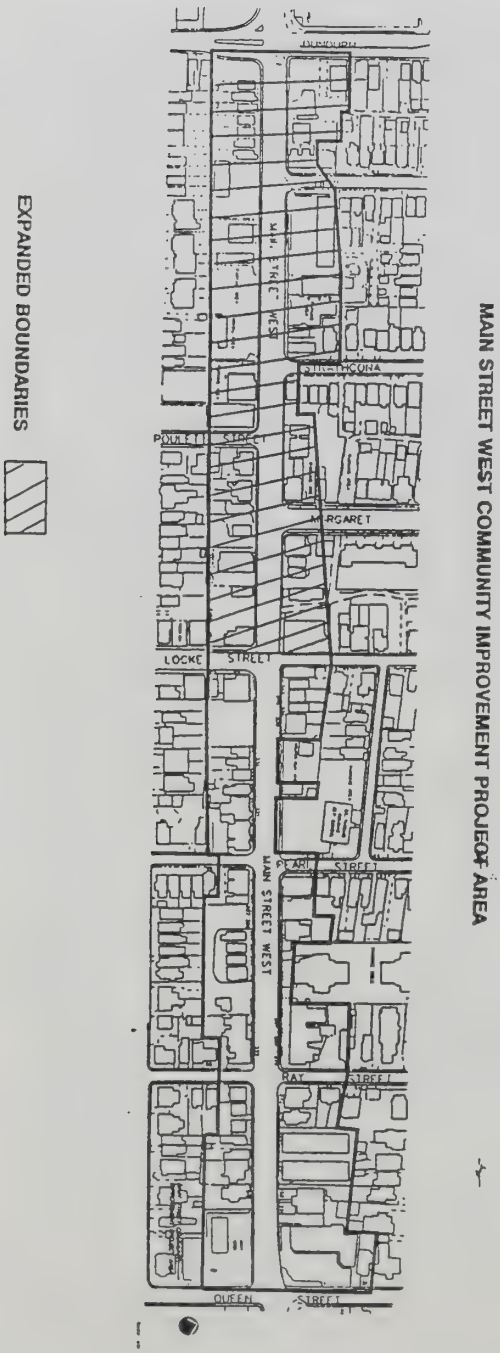


BARTON VILLAGE COMMUNITY IMPROVEMENT PROJECT AREA

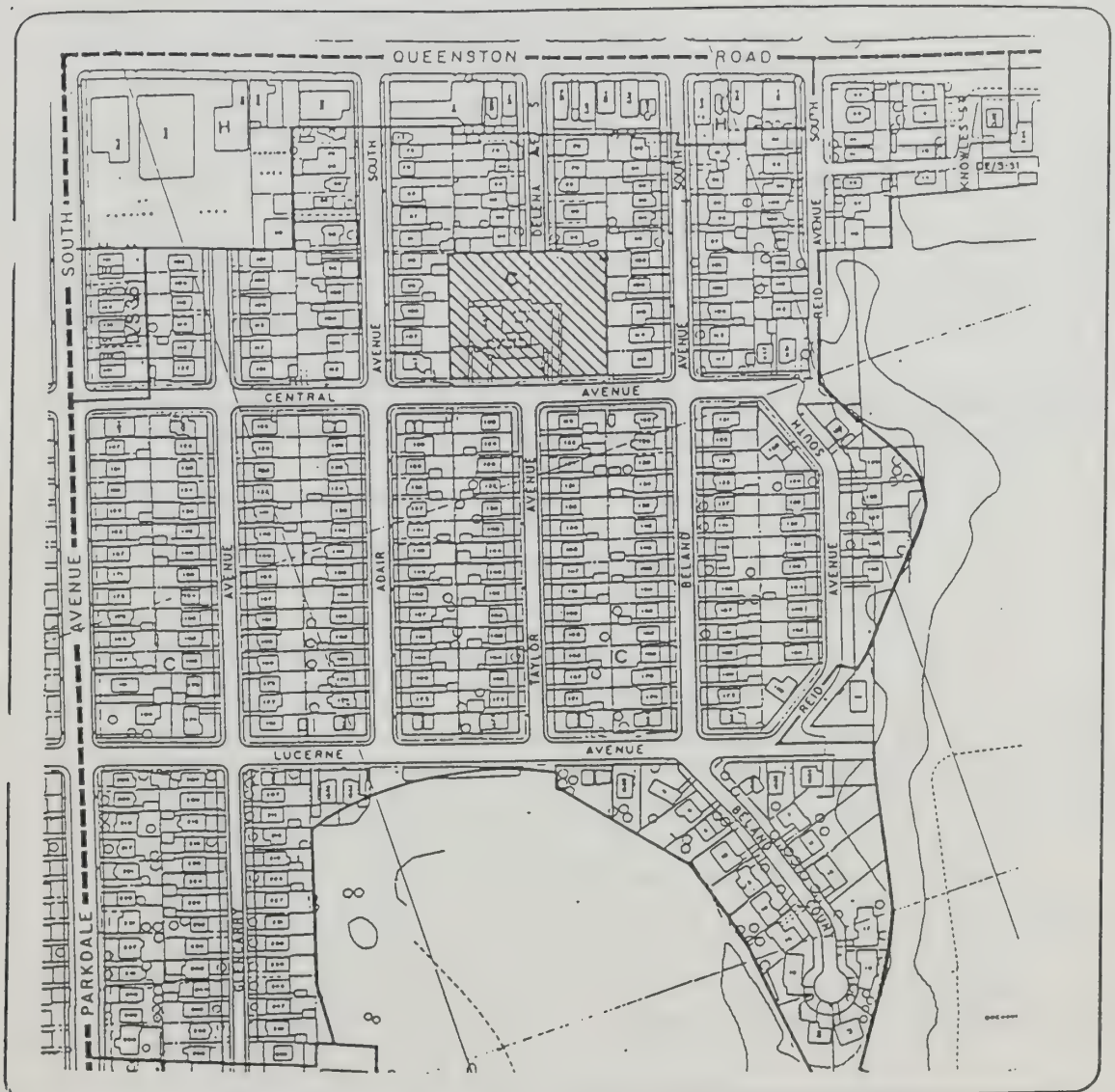
Appendix "I" as referred to in Section E.(d)(i)
of the Planning and Development Committee
Minutes dated 1998 January 21



Appendix "J" as referred to in Section E.(e)(i)
of the Planning and Development Committee
Minutes dated 1998 January 21



Appendix "K" as referred to in Section 6(a)
of the Planning and Development Committee
Minutes dated 1998 January 21



Legend

Site of the application

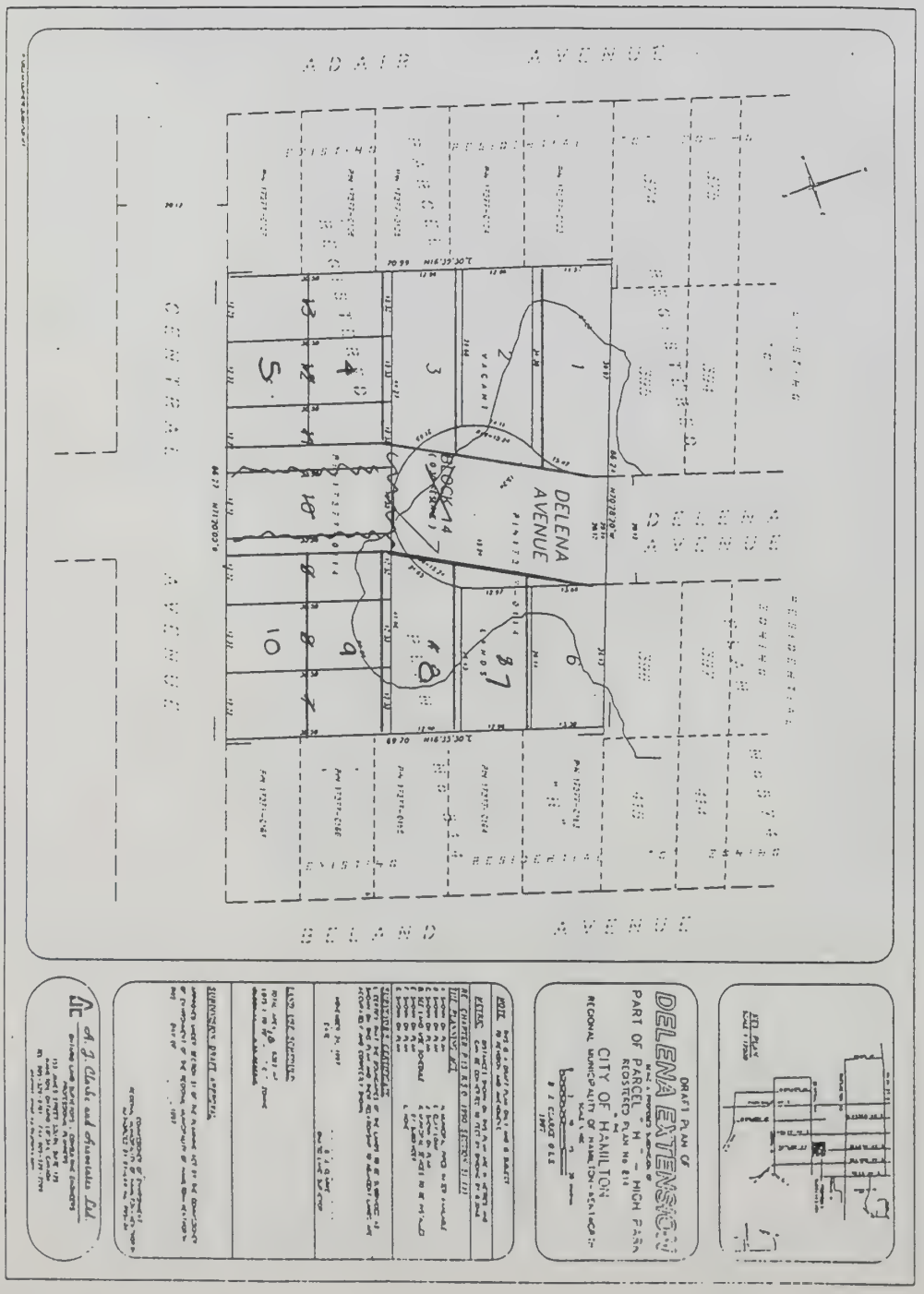
City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	SAR-97-07
	Date	Drawn By
	DECEMBER, 1997	B. B.

Appendix "L" as referred to in Section 6(a)(i)
of the Planning and Development Committee
Minutes dated 1998 January 21



B (i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 January 29

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Doug Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: Barton Village Business Improvement Area (B.I.A.) -
1998-2000 Board of Management.

RECOMMENDATION:

1. That Schedule 'A' and 'B' of By-law No. 87-308, as amended, appointing the Barton Village B.I.A.'s Board of Management be repealed and the following names substituted:

SCHEDULE 'A'
Alderman B. Morelli
Alderman D. Haining

SCHEDULE 'B'

Dimitri Boukhers	Farah's Foodmart (tenant)
Jody Hendry	Hendrys Family Shoes (nominated by owner)
Terry Franceour	Mugsy's Place (nominated by owner)
Sandra Manners	Westinghouse Canada Inc. (nominated by owner)
John Hilger	Ways to Wisdom (owner)
John Howard	Econ-o-wash Laundry (owner)
Paul Nusca	Nusca Custom Tailors Ltd. (owner)
Marco Tollis	Riviera Banquet Centre (owner)
Nick LaSala	Nick's Auto Service (owner)
Robert Palmese	Palmese Photodesign Group Inc. (owner)

. .

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A.

BACKGROUND:

The Barton Village B.I.A. held its Annual General Meeting 1998 January 28. At the meeting the B.I.A.'s general membership elected its Board of Management for 1998-2000 cognizant that Bill 106 came into force 1998 January 01 and, that the make-up of the Board must include both owners and tenants.

The establishment of a Steering Committee to address the process for 1998 B.I.A. budgets and 1998-2000 B.I.A. Boards of Management, given the new legislation governing B.I.A.'s, was approved by City Council at its meeting held 1997 September 30. The process followed to elect the Barton Village B.I.A.'s Board of Management for 1998-2000 was in accordance with the Steering Commmittee's recommendations. The initial findings of the Steering Committee have been forwarded to the members of the Planning and Development Committee by way of an Information Report dated 1997 November 10.

DL:HM:hm
P&DBV98.Board

c.c. Bradley Tye, Executive Director
Barton Village B.I.A.

Patrice Noé Johnson, City Solicitor
Law Department
Attn: Art Zuidema, Solicitor

B (ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 January 29

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Doug Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: Barton Village Business Improvement Area (B.I.A.) - Proposed Budget and Schedule of Payments for 1998.

RECOMMENDATION:

a) That the 1998 operating budget for the Barton Village B.I.A. (attached as Appendix 'A') be approved in the amount of thirty thousand dollars ($30,000); and,

b) That the City Treasurer be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O, 1990, to levy the 1998 budget as referenced in (1) above; and,

c) That the following schedule of payments for 1998 be approved:

February 01	$7,500.
March 01	$7,500.
June 01	$7,500.
September 01	$7,500.

NOTE: 1997 levy arrears will be deducted from the payment for 1998.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of $30,000 is totally levied by the B.I.A. through its members. There is no cost to the City for any part of this operating budget.

BACKGROUND:

At its Annual General Meeting held 1998 January 28, the Barton Village B.I.A. adopted a 1998 operating budget of thirty thousand dollars ($30,000).

The establishment of a Steering Committee to address the process for the 1998 B.I.A. budgets and 1998-2000 B.I.A. Boards of Management, given the recent passing of Bill 106, was approved by City Council at its meeting held 1997 September 30. The process followed to adopt the Barton Village B.I.A.'s 1998 Budget was in accordance with the Steering Committee's recommendations. The initial findings of the Steering Committee have been forwarded to members of the Planning and Development Committee by way of an Information Report dated 1997 November 10.

DL:HM:hm
P&DBV.98Bud

c.c. Bradley Tye, Executive Director
Barton Village B.I.A.

Alan Ross, City Treasurer
Treasury Department
Attn: Larry Friday, Supervisor of Tax Administration/Banking

APPENDIX 'A'

BARTON VILLAGE BUSINESS IMPROVEMENT AREA'S (B.I.A.'S)

1998 OPERATING BUDGET

COMPONENTS		**AMOUNT**
Wages		$6,000.
Rent/Phone		$ 800.
Insurance		$ 810.
Hall Rental/Dinners (BIA Meetings)		$ 490.
Allowance for Uncollected Levies	$1,300.	
Statue Donation		$ 500.
Audit Fee		$ 400.
Administration/Office Equipment	$ 500.	
Christmas Decoration Installation/Removal	$1,000.	
Advertising		$6,000.
Special Events/Consultant Fees		$6,000.
Business Development Fund	$6,200.	
TOTAL		**$30,000.**

CITY OF HAMILTON

- RECOMMENDATION -

C.

DATE: 1998 January 27
P5-2-125

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P, R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Authorization for Public Meeting -
Draft Stinson Neighbourhood Plan

RECOMMENDATION:

That the Planning and Development Committee authorize a public meeting to invite comments on the draft Stinson Neighbourhood Plan.

EXPLANATORY NOTE:

The draft Stinson Neighbourhood Plan is an update of the original neighbourhood plan for Stinson, which was adopted in 1975. It has been prepared as a guide plan for land use, and an action plan to address current issues in the area. The plan was prepared by a citizen advisory committee, in conjunction with staff, and has been circulated to departments for comment. A public meeting is required to obtain input from the general public on the draft plan, extracts of which are attached.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Stinson Neighbourhood is located at the eastern edge of downtown Hamilton. It includes the area bounded by Wellington Street, Main Street, Wentworth Street, and the Escarpment. It is primarily a residential area, with a mix of densities and housing forms, with some commercial uses.

Neighbourhood plans are prepared by the Planning and Development Department to guide future land use decisions. They also address other issues, such as improvements to the transportation system, design enhancements, and other community concerns.

BACKGROUND

WHAT IS A NEIGHBOURHOOD PLAN ?

Neighbourhood plans define the details of future land use designations, road patterns, and design. They help guide public and private development, to ensure the neighbourhood provides a desirable residential environment, and that land uses are coordinated and integrated.

HOW DO NEIGHBOURHOOD PLANS FIT INTO THE PLANNING CONTEXT ?

These plans are prepared within the context of the Official Plan for the City of Hamilton. The O.P. contains guidelines for the location of major land uses, population densities, roads and other services. These guidelines and policies provide a framework for the more detailed neighbourhood plans. Zoning by-laws are regulations which specify the actual permitted uses on given lands, whereas the neighbourhood plan designations identify future uses to be encouraged.

WHAT IS THE NEIGHBOURHOOD PLANNING PROCESS ?

The neighbourhood planning process in Hamilton originated in the early 1970's, with the earliest plans being prepared for neighbourhoods in the vicinity of downtown. The process for the neighbourhood planning process in developed neighbourhoods such as Stinson includes the collection of background information, establishment of a citizen advisory committee, holding of meetings to discuss issues and solutions, development and review of plan policies, and their approval.

HOW IS THIS PROCESS CHANGING ?

The current neighbourhood plan review process, as used for Stinson and other recent plans, has changed somewhat from the process developed during the 1970's. It involves more extensive input from citizen stakeholders, including discussion of their vision for the neighbourhood, and its strengths, weaknesses and opportunities. It also includes an urban design component, which considers the physical design of the neighbourhood. This includes views, streetscapes, and appearance of individual buildings and properties.

WHERE IS STINSON LOCATED ?

Stinson includes the area bounded by Main Street East to the north, the Escarpment brow to the south, Wellington Street South to the west, and Wentworth Street South to the east. The Stinson Neighbourhood consists of about 86 acres (35 hectares) south-east of downtown Hamilton.

LAND USE PATTERN

- The proposed land use designations for Stinson are shown on the attached Map 1. These designations are outlined in the following policies.

- An Implementation Schedule is provided at the end of these policies. This provides details on how, when, and by whom the policies are to be carried into action.

LAND USE DESIGNATIONS AND POLICIES

1. Residential

Stinson contains a wide range of residential densities, from single family homes to high-rise apartment buildings. Most of the neighbourhood contains large houses with one or more dwelling units. There are also numerous residential care facilities.

Goal: **To preserve and enhance the residential character of this mainly low-density neighbourhood.**

a) Single and Double Family Residential

- Areas designated for "Single and Double Family Residential" are located mainly south of Stinson Street and east of Tisdale Street. There are also some such areas in the western half of the neighbourhood.
- New residential development within these areas will be encouraged to be of similar density and scale, namely 2 1/2 to 3 storeys in height, with styles of housing similar to existing ones.

b) Medium Density Apartments

- Areas designated for "Medium Density Apartments" are located in the western and central portions of the neighbourhood, mostly north of Stinson Street.
- Any new apartments should be constructed where they do not affect neighbourhood character for existing residents, especially avoiding impacts on single family areas.
- Preferred building form for new apartment buildings will be low rise, spread over site.

c) Attached Housing

- Attached housing (townhouses or row housing) may be a suitable form of housing for future residential redevelopment, although not presently found in Stinson.
- Proposals for any new townhouses should be compatible with low density heritage housing presently found in the neighbourhood, and should preferably be street-oriented units of similar density and scale.

d) Residential Care Facilities

- There are many residential care facilities in Stinson, some of which are legal non-

conforming, resulting in these facilities being very highly concentrated in Stinson.

- Approaches available to restrict the number of such facilities will be reviewed, including restricting the area within which new ones can be built, and reviewing related definitions so that they can be better regulated.
- Measures will be taken to reduce adverse impacts associated with these residential care facilities. These will include ensuring the provision of adequate amenity areas, and liaison with operators regarding residents.

2. Building Heights and Condition

In some areas of the neighbourhood, permitted building heights exceed those compatible with adjacent low density residential uses. The quality of life in residential areas is affected by poor maintenance of some buildings, absentee landlords and illegal dwelling units.

Goal: **To ensure that new buildings have heights which are compatible with existing ones, and which preserve Escarpment views, and that property maintenance is kept at a high level.**

a) Building Heights

- Desired building heights are those compatible with existing buildings. These are up to 3 storeys in low density residential areas in the south and east portions of the neighbourhood, and up to 8 storeys in the medium density apartments area and the northern part of the neighbourhood along Main Street, including commercial uses.
- These building height ceilings, contained in Map 2, are intended to help ensure that suitable building heights are not exceeded.



Varied Building Heights

b) Building and Property Condition

- Maintenance of houses and apartments is encouraged, to retain and improve the area's appearance and image, especially in the case of absentee landlords.
- Illegal units are to be eliminated where possible, by such means as reporting and effective inspection.
- Owners of buildings which presently house several families will be encouraged to return them to lower-density residential uses.



Large Multi-Family House

3. Parks and Playgrounds

There is an under-supply of park space in the neighbourhood, and there are presently no suitable locations for additional park space within Stinson. Additional parks and playgrounds are anticipated to be provided outside of the neighbourhood.

Goal: **To increase the amount and usefulness of parks and playgrounds available to residents of Stinson.**

a) **Existing parks and playgrounds** within Stinson are designated "Park and Recreational" in the plan. These areas should be retained and upgraded as possible. These include Carter Park, at West Ave. and Stinson St.; and Bishops Park, at East Ave. and Hunter St.

b) **Improvements to these two parks** should be carried out as required, such as updating of play equipment, and the recent provision of basketball court and wall mural at Carter Park. Better lighting is recommended for Bishop's Park.

c) **Additional park space** should be provided, on large and small sites, especially in the north-east part of Stinson. Small parkettes should be considered as site become available, to make parks accessible to all residents.

d) **Possible site for future recreational facilities** is identified on the north side of Stinson St., just east of Emerald St.

e) **New park facilities** in adjacent neighbourhoods will be made available to serve residents of Stinson. This includes the park being developed at Young, Ferguson, Wellington and Forest Streets in the Corktown neighbourhood.

Existing Parks in Stinson:

- Carter Park 2.40 acres
- Bishops' Park 0.35 acres

Total: 2.75 acres

O.P. standards: 4.15 acres
(1.25 acres per 1000 people)

Shortfall: 1.40 acres

4. Open Space Areas

Stinson contains considerable areas of open space. The Niagara Escarpment provides a large natural area at the south end of the neighbourhood. There are other open space areas adjacent to the Claremont Access, further north in Stinson.

Goal: To preserve the Niagara Escarpment as a natural and interpretive area; and to ensure that new development does not block views of the Escarpment.

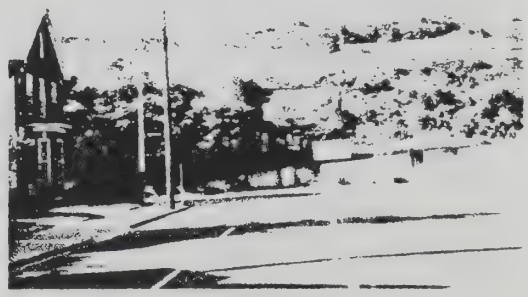
a) **Links to and along the Escarpment**, such as trails, should be preserved and improved. This includes the Wentworth Rail Trail, which is proposed to be extended through the neighbourhood, and links to it.

b) **Views of the Escarpment**, especially from streets in the neighbourhood, are a major asset to Stinson, and should be preserved by such means as restricted heights for new buildings.

c) Any proposals for **new development adjacent to the Escarpment**, including roadway improvements, should have minimal environmental impacts on the Escarpment natural area.

d) **Proposals for enhancement of the Escarpment face**, such as the provision of gardens and trails in Stinson and the adjacent Corktown area, are to be encouraged, since they would preserve and improve views of the Escarpment, and provide additional trail links.

e) **Areas adjacent to the Escarpment** will remain designated and used for open space purposes, despite changes to Niagara Escarpment Commission regulations.



Escarpment Area South of Stinson

f) **Open space areas located next to the Claremont Access** at Hunter Street will be retained, to provide additional green space and plantings in the neighbourhood.

5. Community Facilities

The school and recreation centre located in Stinson both play important roles in serving the community. These are intended to be retained.

Goal: **To ensure that the community facilities presently provided in Stinson are accessible to a broad range of residents.**

a) **Stinson School** is designated "Civic and Institutional" in the neighbourhood plan.

- Community use of Stinson School, for meetings, recreational activities, etc., should be continued and further encouraged.
- The role of the school and grounds as a gathering place should be enhanced by added design features.

b) **Central Memorial Recreation Centre** is designated "Civic and Institutional", and should continue to be made available for the use of residents, groups and associations for recreational purposes, for activities serving a variety of interests.

c) **Other Community Facilities** namely the former Cathedral Boys High School, and St. Thomas Church, are designated "Civic and Institutional".

- These buildings and facilities which may have potential for community and recreational use, should be investigated and utilized for these purposes where appropriate.
- The retention of existing church(es) in the neighbourhood will be encouraged, and if church buildings should become vacant, appropriate compatible uses for these buildings will be encouraged.

6. Commercial

Commercial uses are located along the Main Street frontage at the north of Stinson, and on several smaller sites throughout the neighbourhood.

Goal: **To ensure that a variety of commercial uses is provided, to serve and be compatible with the residential areas.**

a) **Commercial uses which effectively serve the local community** will be encouraged within the commercial frontage along Main Street, as well as general commercial uses serving a wider area.

b) **Mixed commercial/residential uses** will be retained and encouraged along the Main Street frontage, such as commercial storefronts with apartments above, in suitable locations with sufficient parking and access.

c) **Commercial uses should be compatible with the neighbourhood**, and should not have negative impacts. The provision of adequate on-site parking and visual buffering will be ensured, to reduce impacts on residential uses.

d) **No additional retail commercial uses** are presently considered necessary in the interior of the neighbourhood, since there are sufficient local convenience stores within and at the edges of Stinson, as well as other commercial opportunities nearby along Main Street.

7. Heritage

Stinson has a rich history, which has shaped the existing neighbourhood character and identity. Many attractive older buildings are found in Stinson, a large number of which are designated or listed as being of heritage merit.

Goal: **The heritage nature of Stinson is important to the neighbourhood character, and should be recognized, enhanced and preserved.**

a) **Information on heritage ratings of buildings** should be provided to owners of property in Stinson, as well as information about approaches available to preserve the heritage character of buildings and areas in Stinson. These include the heritage designation of additional buildings, and adaptive reuse of such buildings.

b) **Measures to protect the heritage character** of specific areas may be considered in Stinson, if requested and supported by residents of these areas and staff. These may include the establishment of heritage conservation districts.



Heritage Features

c) **The heritage nature of Stinson** should be featured in reports, posters, and any public relations materials prepared regarding the area, in order to enhance the image of Stinson as a heritage area.

8. Design

Stinson is presently an attractive area, with much residential character. There are some opportunities for improvement in specific areas. Design measures will be used to improve aesthetics and accessibility for all sectors of the population.

Goal: **To add to the attractiveness of areas within Stinson, make improvements where these are most needed, and ensure accessibility for all residents.**

a) Design Plan

- An overall plan has been prepared to guide the design improvements in Stinson. This design Concept Plan, contained in Map 3, provides an overview of design issues, improvements to streetscapes, and specific locations for improvements which are outlined in the following policies.

b) Spot Improvement Areas

- Several areas of concern are recommended to be addressed by means of spot improvements. Details are provided in the Implementation Schedule of this plan. These improvements are intended to build on the existing assets of the neighbourhood, and eliminate some eyesores which concern residents. The improvements include restoring buildings to their original heritage appearance; adding beautification features at the Escarpment ends of streets, and adding artwork on blank walls, at locations outlined in the Implementation Schedule.

c) Barrier Free Design

- Pedestrian routes should be designed to provided unobstructed pathways for users. This is considered to be a 2 m wide clear pathway. This guideline will be considered in the upgrading of sidewalks in the neighbourhood.



Urban Braille Features

d) Urban Braille

- Provisions will be made within Stinson for visually impaired and physically handicapped people to find their way more readily, using special markings on sidewalks, especially at corners, called urban braille. This will be introduced in locations which are most in need of such improvements, on a request basis.

e) Streetscapes

- The addition of boulevards will be considered along some of the local roads in Stinson, to beautify streetscapes, and to provide a greater amount of greenspace. These will be considered where there is sufficient overall roadway width, as reconstruction is needed.
- Stinson Street requires landscaping and greening.
- Additional trees are proposed along streets in the neighbourhood, to enhance the streetscape appearance, especially along streets with adequate front yard space.

9. Movement

Stinson is served by a number of arterial and local roads in a grid pattern. It is bounded on four sides by arterial roads, with two Escarpment accesses cutting through the neighbourhood. Stinson Street is a major east-west arterial for all types of travel. Some arterials carry mostly through traffic, and isolate portions of the neighbourhood. Other forms of travel are facilitated by bus routes, sidewalks, alleys and trails in Stinson.

Goal: **The efficient movement of people through the neighbourhood, using all means of travel, is to be facilitated. Forms of travel other than automobile should be encouraged and promoted.**

a) Roads

- The major arterial roads which cut through the neighbourhood, such as Victoria Ave., isolate the western parts of the neighbourhood, as they limit travel by car and by foot. Efforts should be made to reconnect these parts of the neighbourhood.
- Through vehicular traffic on Stinson Street will be accommodated, while ensuring ease of movement and safety for pedestrians, cyclists, and others. The residential character of the neighbourhood is not to be compromised.
- Stop signs along Stinson Street act as a form of traffic calming. Other means of traffic calming for Stinson Street are to be reviewed and introduced as appropriate.



CLAREMONT ACCESS Bridge

b) Transit

- Transit service is provided to Stinson by means of routes along Main Street at the north edge, and along Stinson Street within the

neighbourhood.

- The existing transit service should be maintained, as a minimum. If there are system-wide improvements, these should be reflected in Stinson.

c) Parking

- On-street parking is limited in many areas of Stinson.
- Innovative approaches to providing parking should be investigated, such as greater use of alleys and rear parking where safety is not an issue, and the creation of off-street parking areas.
- Amendments to existing parking regulations should be carried out as needed, with consideration to impacts on the remainder of neighbourhood, and with input from a group such as the neighbourhood association, if desired, to ensure consistency.
- Parking requirements and supply for residential care facilities should be reviewed, as there are shortages due to non-conforming use. Shortfalls should be made up where possible, such as when these facilities are re-licensed.

d) Alleyways

- Alleyways can provide an alternative to the roadway system for vehicle access and parking, as well as pedestrian access.
- Retention and improvement of alleyway sections in Stinson should be encouraged, especially where there are limited driveways and on-street parking.
- In the western section of Stinson, in the vicinity of the two Escarpment accesses, new development is to be developed using rear alleys for access and parking, due to the high volumes of traffic associated with these roadways.



Alley Views

e) Trails

- Links to the Escarpment, such as walking trails, are important to maintain and extend. These include links to the Rail Trail which currently ends at Wentworth St. S. This trail is anticipated to be extended to the west, through the neighbourhood, to the new park planned for the area west of Wellington St.
- Trails are to be encouraged on

both sides of the railway line, to provide for users on either side to walk along this corridor. Safe design will be necessary.

- Connections may need to be improved along sections of trails, to ensure continuity. This includes trail links across the railway line at the south end of the neighbourhood, and links under bridges for Escarpment accesses in the south. Pedestrian amenity and safety are important in these areas.

f) Railways

- The rail corridor at the south end of Stinson is recognized as an existing system for the movement of goods in this area.
- Any increased use of this rail corridor is to be discouraged, either for through traffic or storage of rail vehicles. This would include the GO Transit train storage yard which was once proposed for the area west of Wentworth St., but now is felt not to be compatible with the adjacent residential area.
- Additional noise sources, such as would be associated with increased rail traffic, are not to be encouraged in the vicinity, since existing noise levels are already considered high.

g) Bicycles

- Paths and routes should be provided through the neighbourhood for use by bicycles, on suitable streets and pathways.
- The designated bicycle route along Stinson Street is to be retained and upgraded as possible, to improve comfort for cyclists.

10. Crime and Safety

Crime has been an issue in Stinson in the past, and has been reduced by means of various approaches. The community-based policing system, and other recent initiatives of the Police Dept., namely targeting specific crimes appear to have been effective in reducing crime in Stinson.

Goal: **To continue to reduce the incidence of crime in the neighbourhood.**

a) The design of new developments and amenities, such as building orientation, access, landscaping in the neighbourhood will be done with safety in mind, using design to enhance public spaces, and to ensure public awareness and visibility,

11. Potential Sites for Redevelopment

Sites which are likely to be redeveloped within the 15-20 year life of this plan will be reviewed, to determine land uses and building forms most desirable for the future.

Goal: **To provide direction for possible future redevelopment sites.**

a) The site of the three-storey apartment building, Charlton Mews, located on Wellington St. S. at Charlton Ave., may be ready for redevelopment within the 15-20 year timeframe of this plan. Low or medium density residential uses would be preferable for this site, in recognition of the character of the immediate area. This might include low-rise apartments, townhouses, or similar uses. The height should be within the 3 storey height guideline for lands near the Escarpment. The building should not block Escarpment views from areas to the north.

b) The site of the industrial use known as Traynor's Bakery Wholesale, on Victoria Ave. S., will be reviewed if and when it comes available for redevelopment. Preferred uses for this site will include light industrial uses which do not generate external impacts; low density residential uses, such as townhouses and apartments, up to 3 storeys in height; and park / open space uses.

c) The site of the bowling alley and mini-golf located on Charlton Ave., is presently proposed to be converted to a taxi depot. In the event that this taxi depot is not developed, or does nor remain, other uses would be encouraged on this site. Such uses would include recreational uses such as a trail centre, museum or interpretive centre. Other suitable uses would be light industrial of a type with no or minimal adverse impacts on the adjacent residential area.

12. Public Participation Processes

Residents of Stinson are presently notified of some development proposals, by means of established procedures. Residents would like to see more information provided, at earlier stages, for zoning and other applications. Also, better communication between government agencies is desirable, for improved efficiency.

Goal: **To enable Stinson residents to provide meaningful input on all types of redevelopment proposals and applications.**

a) Public Notification

- Stinson residents will be notified of development applications in the neighbourhood and vicinity, by means of the processes prescribed under the Planning Act and other legislation.

b) Committee Agendas and Other Information

- Many residents are not

notified about some of the development applications which occur in Stinson. Residents will be encouraged to request agendas for standing committees of Council, to monitor and react to Stinson applications. Other approaches will be used to ensure residents are informed about pending applications.

- Residents will also be provided with any other information on proposals which is available to the public, including notice of any major buildings which are proposed to be sold or otherwise changed.
- This exchange of information will be done through the neighbourhood association.

c) Stinson Community Association

- The Stinson Community Association is recognized as a strong, active grass roots organization serving the public interest in Stinson, and in contact with a majority of residents.
- The City will partner with the Community Association as much as possible, by using them as a means for liaison with residents on development applications and related matters. Planning staff may serve the community as facilitators in controversial matters.

d) Coordination of Community-Based Planning Activities

- Various municipal departments involved in community-based planning activities will be encouraged to coordinate their priorities and timing. It may be possible in some cases to share information, committee structures and processes.

13. Taxation Approaches

Innovative approaches are being used recently to fund improvements at all levels of government. Such innovative approaches will be considered in order to fund and carry out the improvements noted in this plan.

Goal: **To expedite the improvements noted in this plan, by the use of alternatives to the standard municipal work program and budgets.**

a) Direction of Taxes and/or Surtax

- A special direction of property taxes should be considered for property owners in the Stinson Neighbourhood, in order to carry out a specified program of improvements arising from the recommendations in this plan.
- This could take the form of either redirection of a portion of existing property taxes, up

to about $200 per year; or an added surcharge of approximately $200 for all households, both residential and non-residential;
- This approach should be carefully reviewed, to determine implications for other neighbourhoods and the overall budget process.

recommendations; or,
- Continuation of the plan review committee for this purpose; or,
- Liaison with the Stinson Community Association to carry out the plan, possibly by means of establishing a separate sub-committee; or,
- Other approaches as may be appropriate.

14. Implementation

Implementation of the policies and actions in this Plan is a critical component. There must be a plan of action and objectives, the completion of which are measurable.

Goal: **To ensure that the actions and initiatives in this plan are carried out.**

a) The attached implementation schedule is adopted as part of the neighbourhood plan. This identifies each action to be undertaken to carry out the plan, as well as which departments or other parties will carry it out.

b) Various alternative approaches exist for the implementation of the plan, one of which is to be selected and incorporated into the final plan. These include:
   - Establishment of an Implementation Committee to pursue plan

STINSON IMPLEMENTATION SCHEDULE

ACTION	BY	TIME FRAME	PRIORITY
1. Residential Care Facilities a) Rezoning studies to review the definitions of care related to residential care facilities	Planning Department and other departments	Short-term, underway	High
2. Building Heights a) Guidelines to be prepared and included in plan to identify desired maximum heights b) Rezoning to be undertaken to revise maximum permitted heights	Planning Dept. Planning Dept.	Short-term Medium-term	Medium Medium
3. Parks and Playgrounds a) New park to be provided in Corktown Neighbourhood, with links to Carter Park and Central Memorial b) New parks to be considered within Stinson; small sites, several locations, including further recreational facilities	Public Works and Traffic Dept. Public Works and Traffic Dept.	Short-term Long-term	Medium Medium
4. Open Space a) Escarpment area - Landscaping and trail system proposal to be reviewed and carried out	Public Works and Traffic Dept.; Stinson Association	Medium-term	Medium
5. Community Facilities a) Facilitate additional community use of schools, churches and other facilities	Stinson Community Association with various departments	Medium-term	Low
7. Heritage a) Heritage Districts - Review and preparation of conservation plans for one or more areas b) Heritage Poster(s) - Preparation of one or more posters to promote Stinson character and features	LACAC staff, with citizen committee LACAC staff, Stinson Community Assoc'n	Medium-term Medium-term	High Medium

STINSON IMPLEMENTATION SCHEDULE

ACTION	BY	TIME FRAME	PRIORITY
8. Design a) Spot improvements - concepts for several locations to be carried out, including buildings, walls, streetscape	Property owners; Public Works and Traffic Dept. Public Works and Traffic Dept.	Long-term Medium-term	Medium Medium
9. Movement a) Traffic calming study to identify possible improvements, especially to Stinson Street b) Rail trail to be extended through Stinson, with links to neighbourhood	Public Works and Traffic Dept. Special Projects Office	Medium-term Medium-term	Medium Medium
12. Public Participation a) Notification of Stinson residents regarding applications and proposals to be improved b) Co-ordination of community-based planning studies to be undertaken by staff	Stinson Community Association Planning Dept. and other Depts	Short-term Medium-term	High Medium
13. Taxation a) Review of innovative taxation approaches to provide funding for Stinson improvements in this plan	Planning Dept. Stinson Community Association	Medium	Medium
14. Implementation a) Establishment of mechanism for implementing plan	Planning Dept., Stinson Plan Advisory Committee	Short-term	High

D.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 January 29

REPORT TO: Alderman F. D'Amico, Chairperson & Members,
Planning and Development Committee

FROM: Stella Glover, Secretary
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Information Report dated 1998 January 15 from The Director of Planning and Development/Building Commissioner/Chief Administrative Officer re Update on City/Region Brownfields Staff Steering Committee

(b) Information Report dated 1998 January 26 from the Director of Planning and Development/Chief Administrative Officer re Approved Site Plan Control Application - 43 Bigwin Road

(c) Information Report dated 1998 January 27 from the City Solicitor re Application to Remove Part-Lot Control - Bungalows at Chedoke - Draft Plan of Condominum - 60 Rice Avenue

(d) The Hamilton-Wentworth District School Board dated 1998 January 16 re Representative of School Board assigned to attend Planning & Development Committee Meetings

S. M. Glover

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure is recorded for these matters.

URBAN/MUNICIPAL
CA4 ON HBC A05
C51P4
1993

Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

URBAN MUNICIPAL
FEB 16 1998
GOVERNMENT DOCUMENTS

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1998 February 18
9:30 o'clock a.m.
Room 233, City Hall

Stella Glover

Stella Glover, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 97-37, by Silvia Costabile, owner, for a change in zoning from "B" district to "C" district, modified, for lands located at 73 Kennedy Avenue.

   (a) Submission - S. Manganiello, 80 Malton Drive, Hamilton

2. Rental Housing Protection Act Application CD-97-004 - 29 Sherman Avenue South, Stipeley Neighbourhood

3. Rental Housing Protection Act application CD-97-005 - 75 Glenburn Court, Riverdale East

DELEGATION

4. **LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE**

   Designation of Historic Core of McMaster University under the Ontario Heritage Act

PRESENTATION

5. Len King and Tom Redmond on "Amanda" - Computer Permit Tracking and Management

6. DIRECTOR OF PLANNING AND DEVELOPMENT

(a) Downtown Hamilton Secondary Plan - Putting People First - Terms of Reference

(b) Site Plan Control Application DA-96-29, by Spallacci & Sons Ltd., owner, for lands at 260-280 King Street East.

7. 1998-2007 PROVISIONAL CAPITAL BUDGETS

(a) Planning and Development Department

(b) Public Works and Traffic Department, Community Renewal Section

(c) Building Department

8. CONSENT AGENDA

9. SELECTION COMMITTEE

Appointment of Citizen Members to Sub-Committees of the Planning and Development Committee

10. OTHER BUSINESS

11. ADJOURNMENT

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No	Item	Original Date	Action	Status
1.	ZA-94-30, 336-338 King St. W.-Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
2.	Rehabilitation Loan Programs	1996 June 25 (Council)	Review to be conducted by staff	Recommendation from Building Commissioner to Cttee by 1996 Nov. 1
3.	Hamilton Harbour Land Use	1997 February 19	Staff report on site plan control procedures and incineration as a use regarding Hamilton Harbour Commission Lands	Report forthcoming
4.	ZA-97-02, 310 Limeridge Road West	1997 March 19	Alternate Uses for the property to be investigated	Tabled. To be brought back on 1997 May 21
5.	RHPA application CD-96-004, 222 Gage Avenue South	1997 April 2 and 1997 May 7	Ward Aldermen to meet with applicant and residents	Tabled for 1 mo. Further tabled for 6 mos. (to first meeting of Nov 1997)
6.	RHPA application CD-96-005, 155 Market Street	1997 April 23	Applicant to meet with residents in order to address their concerns	Tabled for 2 months
7.	Street Naming	1997 May 7	Planning and Development Staff requested to prepare a report explaining how street names are determined	Report pending
8.	Correspondence from J. Wannop, 139-147 Locke St. S.- Site Plan	1997 June 18	Referred to Planning Staff for review and comment	Pending
9.	Appleblossom Drive Extension	1997 June 18	Referred to Planning Staff for report	Report forthcoming
10.	Boulevard Policy for New Subdivisions	1997 July 2	Staff directed to prepare report	Report forthcoming
11.	Planning Tariff Fees - Condominium and Subdivisions	1997 August 20	Sub-Committee to review and report back	Pending
12.	Licensing of New Hazardous Waste Sites	1997 August 20	Referred to Planning and Law Office Staff for report	Pending
13.	RHPA Application CD-97-002, 21 Kendale Court	1997 August 20	Clarification re: reserve funds for major repairs & resolve parking issue	Tabled for 1 month
14.	Demolition Permit Application - 30 Norfolk Street North	1997 October 22	Tabled Until legal issues are resolved	Pending
15.	Parking Restrictions	1998 February 4	Referred to Planning & Building Depts. for staff reports	Pending

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 February 5
ZAC-97-37
Kennedy East Neighbourhood

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a change in zoning - No. 73 Kennedy Avenue.

RECOMMENDATION:

(a) That approval be given to Zoning Application 97-37, Silvia Costabile, owner, for a change in zoning from "B" (Suburban Agriculture and Residential, etc. District to "C" (Urban Protected Residential, etc.) District, modified, to permit development of Block "2" for three lots for single detached dwellings and retention of the existing dwelling on Block "1", for lands located at No. 73 Kennedy Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That Blocks "1" and "2" be rezoned from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District.

ii) That the "C" (Urban Protected Residential, etc.) District regulations, as contained in Section 9 of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variance as a special provision:

1) That notwithstanding Section 9.(4), every lot shall have a width of at least 21.88 m and an area of at least 683 m^2.

iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W9-E be notated S- .

vi) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W9-E for presentation to City Council.

vii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the by-law is to provide for a change in zoning from "B" (Suburban Agriculture and Residential, etc. District to "C" (Urban Protected Residential, etc.) District, modified, for lands located at No. 73 Kennedy Avenue, shown as Blocks "1" and "2" on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit development of Block "2" for three new single family detached dwellings. The existing dwelling would be retained on Block "1".

In addition, the by-law provides the following variance as a special requirements:

1) The lot shall have a minimum lot width of 21.88 m (along Christie Street) and a minimum lot area of 683 m^2, whereas the Zoning By-law requires a minimum lot width of 12 m and a minimum lot area of 360 m^2.

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The proposal is to development the lands at 73 Kennedy Avenue for three new building lots (Block "2"). Two of the new lots would have widths of 12 m and areas of 375 m^2 and one would have a width of 15.08 m and an area of 471 m^2. The existing dwelling known as 73 Kennedy Avenue would be retained on a lot with a width of 21.88 m and an area of 683 m^2. See APPENDIX "B".

- Land Severance Application B-97-137 and 138

On January 7, 1988, the Committee of Adjustment granted two applications for land severance, to create the three new lots at 73 Kennedy Avenue. As a condition of the severance, the applicant is required to receive final approval of a zoning amendment which rezones the lands

applicant is required to receive final approval of a zoning amendment which rezones the lands to permit the proposed development. If the rezoning is not finalized within the one year time limit, the severances will lapse.

- Kennedy East Neighbourhood Review and Rezoning Applications

Rezoning Application ZA-88-89 (66 and 70 Kennedy Avenue)

On January 31, 1989, By-law No. 89-50 was passed, which rezoned the lands at 66 and 70 Kennedy Avenue from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, to permit the creation of two new building lots fronting onto Christie Street (19 and 23 Christie Street). The associated land severance applications were approved by the Land Division Committee on September 20, 1988.

Rezoning Application ZA-88-127 (18 Christie Street)

On May 30, 1989, By-law No. 89-183 was passed, which rezoned the lands at 18 Christie Street from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, to permit the creation of four new building lots fronting onto Christie Street (22, 26, 30 and 34 and Christie Street). The associated land severance applications were approved by the Land Division Committee on January 24, 1989.

Neighbourhood Plan Review and Rezoning Application ZA-89-125 (63 and 67 Malton Drive)

As a result of a rezoning application ZA-89-125, for 63 and 67 Malton Drive, the Planning and Development Department was requested to review the potential for infill development, within the Kennedy East Neighbourhood. Planning and Development staff recommended that the creation of local roads to develop the rear portions of the existing lots was not feasible, and that the large lot character of the area should be preserved, and that there should be no change to the Approved Neighbourhood Plan. However, on April 18, 1990, the Planning and Development Committee approved the concept of allowing infill development (eg. "C" District lots) along Christie Street only and rezoning application ZA-89-125.

On June 26, 1990, By-law No. 90-191 was passed, which rezoned the lands at 63 and 76 Malton Drive from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, to permit the creation of two new building lots fronting onto Christie Street (61 and 63 Christie Street). The associated land severance applications were approved by the Land Division Committee on June 19, 1990.

Rezoning Application 91-32 (82 Christie Street)

On September 24, 1991, By-law No. 91-173 was passed, which rezoned the lands at the rear of 82 Christie Street from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, to permit the creation of one new building lot fronting onto

Christie Street. The associated land severance application was approved by the Land Division Committee on January 19, 1993.

Rezoning Application ZA-91-84 (66 Alderson Drive)

On March 10, 1992, By-law No. 92-082 was passed, which rezoned the lands at 66 Alderson Drive from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, to permit the creation of one new building lot fronting onto Christie Street (65 Christie Street). The associated land severance application was approved by the Land Division Committee on January 7, 1992.

Rezoning Application ZA-92-05 (50 Christopher Drive)

On June 30, 1992, By-law No. 92-159 was passed, which rezoned the lands at 50 Christopher Drive from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the creation of one new building lot fronting onto Christie Street (65 Christie Street). The associated land severance application was approved by the Land Division Committee on April 11, 1995.

APPLICANT:

Silvia Costabile, owner.

LOT SIZE AND AREA:

- 31.23 m of frontage on Kennedy Avenue;
- 60.96 m of flankage on Christie Street; and,
- 1,904 m^2 (20,495.16 sq. ft.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Single-family dwelling	"B" (Suburban Agriculture and Residential,etc.) District

Surrounding Lands

To the north	Single-family dwelling	"C" (Urban Protected Residential, etc.) District
To the south	Single-family dwelling	"B" (Suburban Agriculture and Residential,etc.) District
To the east	Single-family dwelling	"B" (Suburban Agriculture and Residential,etc.) District
To the west	Single-family dwelling	"B" (Suburban Agriculture and Residential,etc.) District

OFFICIAL PLAN:

The subject lands are designated "Residential" on Schedule "A" - Land Use Concept of the Official Plan. The proposal complies with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Single and Double Residential" by the Approved Kennedy East Neighbourhood Plan. The proposal complies with the Approved Neighbourhood Plan.

COMMENTS RECEIVED:

- The Building Department has advised that:

"1. The existing single-family dwelling located on the proposed parcel of land (Part 1) will conform to the proposed "C" District requirements, provided that the front yard requirement is from the Christie Street lot line.

2. The concrete stoop is required to be .5m (1.64') from the southerly side yard. It does not appear to conform. No dimensions indicated.

3. The existing single-family dwelling requires one (1) parking space 2.7m x 6.0m. The actual location of the parking spaces has not been shown on the plan. Our records indicate that in 1973 the driveway was on the east side of the dwelling off of Kennedy. If this location is still the same, the condition is legal non-conforming."

- The Hamilton Region Conservation Authority and City of Hamilton Department of Public Works and Traffic have no comments or objections.

- The Regional Environment Department has advised that:

"...there are public watermains on both Kennedy Avenue and Christie Street. There are separate storm and sanitary sewers available on Kennedy Avenue only. For the Committee's information, at the severance stage, we made it a condition of severance approval that the owner must enter into a Service Agreement with the Region to extend the storm and sanitary sewers in order to service the subject lands, at his expense.

The Regional Transportation Department, Roads Division have the following comments.

1. According to our records, the existing road allowance width of Christie Street is 20.12m. Therefore we do not anticipate any further road allowance widenings at this time.

2. The grading of these lots must be approved by the City of Hamilton Building Department. We advise at this time that the elevation of the required parking space should be a minimum of 0.10m above the perpendicular centreline elevation of Christie Street with the maximum grade on private property not to exceed 7%.

   With respect to road allowance grades, we normally require that the elevation of the street/property line be approximately the same as the corresponding perpendicular centreline elevation of Christie Street. Should this grading or the construction of the new accesses affect any existing street trees, the applicant must contact and receive approval from the Forestry Section of the City of Hamilton Department of Public Works and Traffic.

3. Any works which may occur within the Christie Street or Kennedy Street road allowances must conform to the City of Hamilton Streets By-law."

COMMENTS:

1. The proposal complies with the Official Plan and the Approved Kennedy East Neighbourhood Plan.

2. The proposal has merit and can be supported, on the following basis:

   - It would be consistent with the policy of the Planning and Development Committee, to permit infill development fronting onto Christie Street, within the Kennedy East Neighbourhood.

- It represents infill development that would be compatible with established residential development in the area.

- It is consistent with a number of similar rezoning applications approved by Council, to permit "C" District single family residential development fronting onto Christie Street.

- The new lots fronting onto Christie Street would meet the minimum "C" (Urban Protected Residential, etc.) District requirements.

- Although, the lot for the retained dwelling would not meet the minimum requirements of the "B" (Suburban Agriculture and Residential, etc.) District, it would be significantly larger than a standard lot and would provide a transition from the large lots on Kennedy Street to the "C" zoned lots on Christie Street.

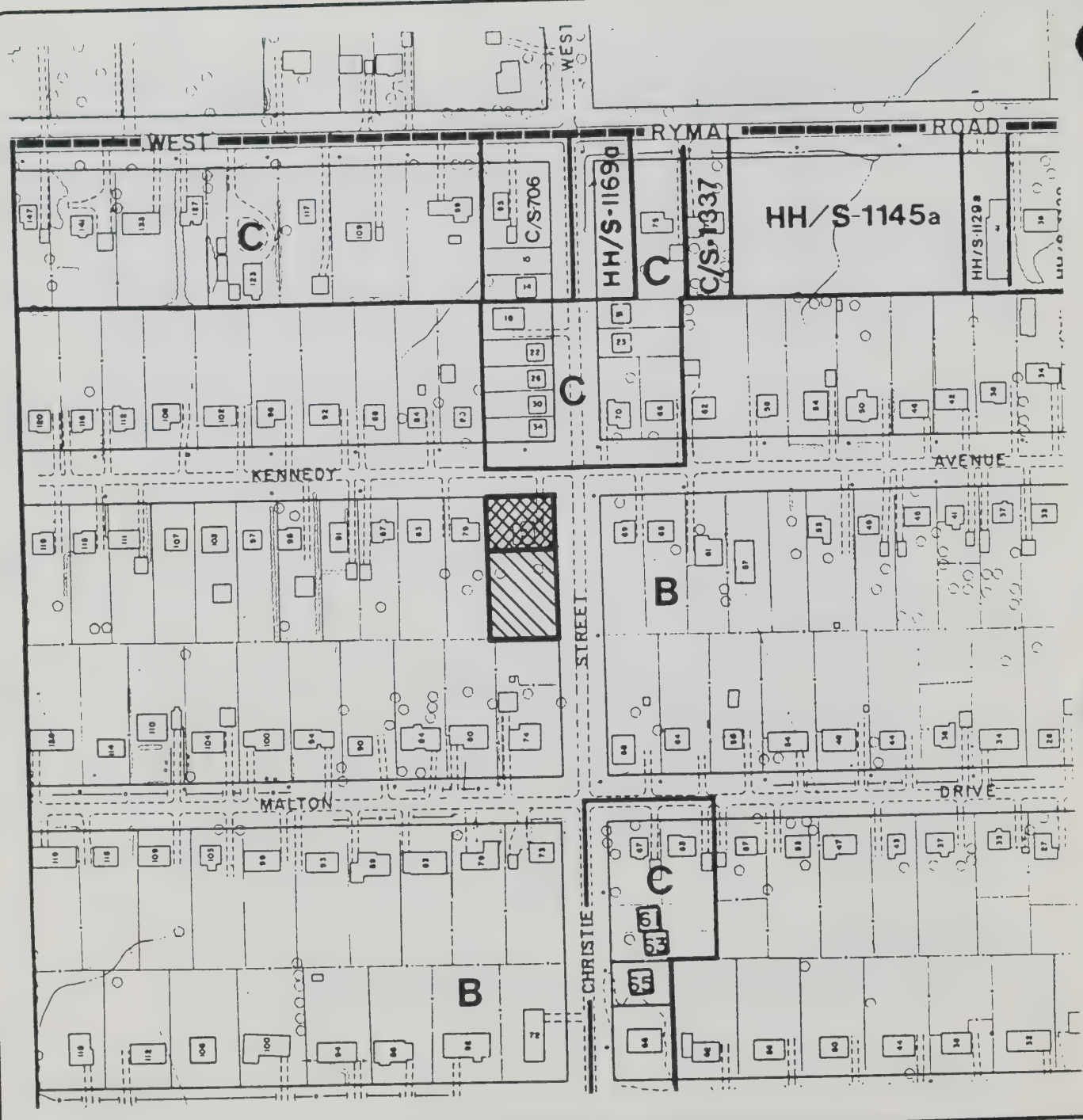
3. To ensure that the lot containing the existing dwelling (Block "1") is retained as a larger lot, the "C" (Urban Protected Residential, etc.) District zoning should be modified to include the proposed lot width of 21.88 m and lot area of 683 m^2 as minimum requirements.

4. Comment no. 2. of the Building Department indicates that the concrete stoop on the south side of the existing dwelling does not appear to meet the required 0.5 m setback. However, the agent for the applicant has indicated that the stoop will be removed. Comment no. 3. of the Zoning By-law indicates that the location of the parking space, on the east side of the dwelling is legal non-conforming, if the location has not changed. The driveway is still located in the east yard.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

CL-M



Legend

Change in Zoning from:

BLOCK 1 — "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, modified

BLOCK 2 — "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District

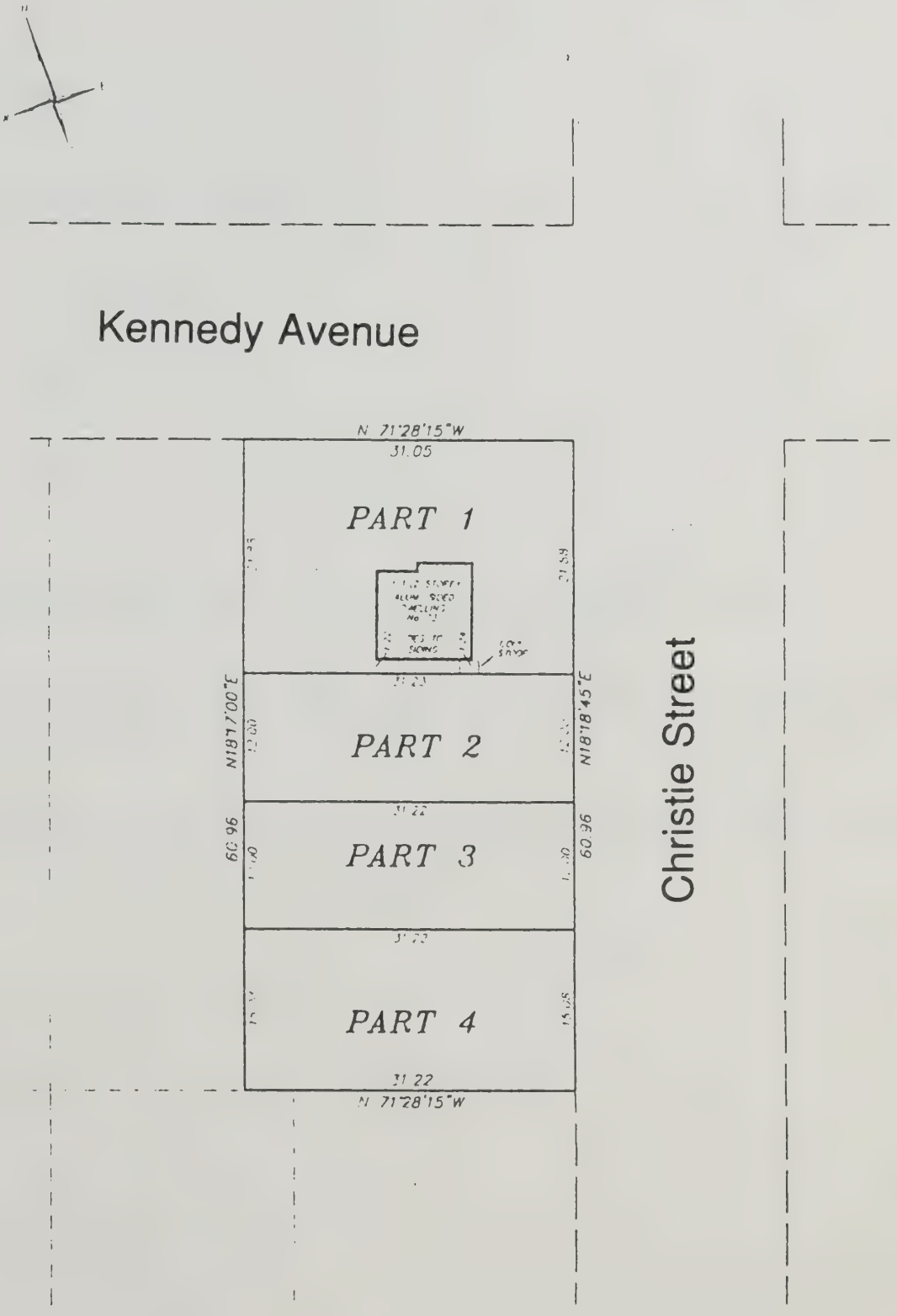
City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	ZAC-97-37
	Date	Drawn By
	FEBRUARY, 1998	F. A.

APPENDIX A


Kennedy Avenue
N 71°28'15"W
31.05
PART 1
PART 2
PART 3
PART 4
N18°17'00"E
N18°18'45"E
60.96
60.96
31.22
31.22
31.22
N 71°28'15"W
Christie Street

APPENDIX B

Copy to V. Abraham, Director of Planning & Development; P. Noé Johnson, City Solicitor
from Stella Glover, Secretary, Planning & Development Committee - Feb.03/987

1(a)

February 2, 1998

Planning & Development Committee

Re: S. Manganiello
80 Malton Drive
Hamilton, Ontario
Phone: 575-3484

Concerning The Application (Files B-97-137 and B-97-138)

As a concerned neighbour I am strongly opposed to this change in zoning application of 73 Kennedy Avenue to create 3 new additional lots.

This will definitely create an overcrowding of this lot. Most of the lots in this area are 75x200 feet and if this severance is allowed it would change the character of the neighbourhood.

Many of the neighbours are also opposed to this change in zoning. I wouldn't object to one additional large lot, but 3 small lots is definitely too many.

Yours truly,

S. Manganiello

S. Manganiello

2.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 February 3
(CD-97-004)

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT:

Rental Housing Protection Act Application CD-97-004 -
29 Sherman Avenue South, Stipeley Neighbourhood

RECOMMENDATIONS:

(a) That approval be given to Application CD-97-004, under the Rental Housing Protection Act, V. Silva, owner, for conversion of 23 rental apartments to condominium units for the property located at 29 Sherman Avenue South, subject to the following conditions:

(i) That the City offer, on behalf of the Owner, in writing, to the Tenants residing at the premises on the date of Council's approval, the right to lease their current unit or a unit upon which the tenant and landlord mutually agree for a period of not less than three years from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in Appendix "A", upon the following minimum terms:

1. the Offer will be open for acceptance by the Tenants for a period of 30 days from the date the Offer is sent by the City;

2. the City will send the Offer, by registered mail, to the tenants residing at the premises as of the date of Council approval of the RHPA application, immediately following the expiration of the appeal period of the Council approval provided that the prescribed Phase II fee has been paid by, or on behalf of, the owner;

3. that the Tenants' rent will not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended; and,

4. that the Tenants' may terminate their lease, at any time, on 60 days written notice, without penalty.

(ii) That the City offer, on behalf of the Owner, in writing, to the Tenants residing at the premises on the date of Council's approval, an Option to purchase their current unit or a unit upon which the tenant and landlord mutually agree, together with appurtenant interests. Such Option shall allow each tenant at least three years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit. Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner;

(iii) 1. That the City send by registered mail to the tenants residing at the premises as of the date of the Council approval of the RHPA application, the Option to Purchase details set by City Council; and,

2. That the notice indicated in section (ii) above shall be sent immediately following the expiration of the appeal period of the Council approval provided that the prescribed Phase II fee has been paid by, or on behalf of, the Owner; and,

3. That the tenants noted in (ii) above shall be given 30 days from the date of the letter sent by the City to notify the City whether they are or are not interested in further considering the Option.

(iv) That this RHPA approval shall cease and be at an end,

1. if the Owner has sold the land without entering into an RHPA Approval Agreement with the City and registering same on title; or,

2. within two years from the date of Council's approval of RHPA application CD-97-004, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton;

(v) That the Owner enter into a RHPA Approval Agreement with the City in a form satisfactory to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendices "A", "B", and "C" annexed hereto) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval;

(vi) In the event that the Owner proposes to sell all of the subject lands, he/she shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein;

(vii) That the Owner provide the City Solicitor with satisfactory evidence that any and

all mortgagees of the property consent to the RHPA application; and,

(viii) That the Owner provide the City Solicitor with satisfactory evidence that there are no outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval.

(b) That upon satisfaction of the above-noted conditions, the City Solicitor be authorized to request that the City Clerk execute the RHPA Certificate of Approval.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The cost of processing this application is paid for by the applicant through the application fees.

BACKGROUND:

Owner

V. Silva, owner.

Existing Building

The subject property is comprised of 23 apartments. The units are comprised of 15 one-bedroom units and 8 two-bedroom units (one unit is an office and one unit is for the on-site superintendent). The building was constructed prior to 1950. As of January 29, 1998, five of the units in the building were vacant.

Nature of the Application

An application under the Ontario Rental Housing Protection Act (RHPA) for the property at 29 Sherman Avenue South was submitted to the City on August 1, 1997. The subject property is shown on the attached key map. The proposal is to convert 23 apartments units to condominium. The agent for the applicant has indicated the units will be sold in the price range of $50,000 - $55,000.

Proposed Conversion Details

The agent for the applicant has indicated that the following improvements will be made to the units, should the conversion be approved.

Exterior Improvements:

a. All original windows replaced with new vinyl or aluminium thermal paned windows.
b. All landscaping upgraded.
c. All walkways replaced or repaired.
d. Aluminum sliding doors repaired or replaced for all units.
e. All eaves troughs will be repaired or replaced.
f. The roof will be replaced.
g. The parking lot will be resurfaced.

Interior Upgrades:

a. All fridges replaced with new full sized frost-free fridges.
b. All stoves replaced with new full sized stoves.
c. All water taps in kitchens and bathrooms replaced.
d. All bathroom tiles and floors that need replacement.
e. All kitchen floors and counters that need replacement.
f. Replace, repair or refurbish all flooring, railings, walls, ceilings and lighting in all the common corridors and stairwells including all the rest of the common areas.

Rent Details

The monthly rental charges for the units, effective January, 1998, are as follows:

- The one-bedroom units have a rental range of $399 - $561 with an average rental price of $447; and,
- The two-bedroom units have a rental range of $499 - $561 with an average rental price of $505.

APPLICABILITY OF THE RENTAL HOUSING PROTECTION ACT:

The purpose of the Act is to protect the supply of rental housing. The Act regulates changes to rental housing units including renovations, conversion to condominium and other uses, demolitions and severances. The rental apartment units at 29 Sherman Avenue South are subject to the Act since the applicant intends to convert the apartment units to condominium status.

The Act notes that Council of a municipality shall not approve an application under the Act unless the council is satisfied that at least one of the following criteria is met:

i) the building is structurally unsound;
ii) the applicant provides the same number of new rental units in a similar rental range and in the same area and provides the existing tenants with rental accommodation of similar

quality and rent in the same area; and/or

iii) in the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality.

Criteria i) is not applicable as the applicant is seeking to convert the existing building to condominium status.

Criteria ii) is not applicable as the applicant is not providing any new rental units.

Therefore, Council may approve this application if, as noted by the Province, "it is of the opinion that the loss of these 23 affordable rental units would not constitute an adverse effect on the supply of affordable rental housing" in Hamilton. The Province has added that "if Council decides to approve the application, Council may wish to use the provisions of section 11(7) and 12 of the Rental Housing Protection Act to impose reasonable conditions on approval, to enter into agreements with the applicant concerning fulfilment of these conditions, and to register these agreements against title to the property."

The Province further notes "suitable conditions in this situation might include:

- provision of a first right of refusal to all tenants interested in purchasing their unit.
- pricing of units for sale to tenants at the levels set out in the application.
- provision to tenants who do not wish to purchase of a period of security of tenure from eviction by the applicant or a subsequent purchaser of a condominium on the grounds of personal possession under section 103 of the Landlord and Tenant Act and on the grounds of renovation and repair, conversion of use, or demolition under section 105 of the Landlord and Tenant Act.
- conduct of a structural audit and reserve fund analysis to the satisfaction of the municipality, and provision of a copy of this report free of charge to prospective purchasers before they enter into binding agreements of purchase and sale."

ANALYSIS OF IMPACT/EFFECT ON THE RENTAL HOUSING MARKETPLACE:

City Council may approve the application through Regulation O.Reg. 524/94 of the Rental Housing Protection Act if, in Council's opinion, the removal of these 23 rental units will not adversely affect the supply of affordable rental housing in the City. In June of 1995, the Planning and Development Department submitted an Information Report to the Planning and Development Committee regarding the evaluation of applications for condominium conversion. The report outlined the criteria that will be used in evaluating applications and determining the staff recommendation. The criteria are in two groups: Essential Criteria and Criteria for which Conditions may be Instituted. The following is a list of the criteria in each group:

Essential Criteria:

1. The vacancy rate within the City of Hamilton for all units should be at least two percent.
2. The vacancy rate within the particular CMHC Zone should be at least two percent (for all units).

3. The vacancy rate for the type of housing should be at least two percent within the City and the zone.
4. The impact of conversion on the vacancy rates will be examined to ensure that vacancy rates will not be significantly impacted.
5. The rental pricing will be examined to review whether the units are priced significantly less than comparable units in the City and the zone.

Criteria for Which Conditions may be Instituted:

1. The availability of potential alternative accommodation will be reviewed in terms of unit type and price.
2. The affordability of the units will be examined in terms of affordability as ownership and rental units.
3. The monthly carrying costs will be examined to compare the monthly costs as rental and ownership units.

Data from the semi-annual Canada Mortgage and Housing Corporation (hereafter referred to as "CMHC") Rental Market Report is used to evaluate the above-noted criteria. CMHC has divided the City into seven geographic zones; the subject property is located within "Zone 2 - Hamilton East Zone".

Essential Criteria:

Vacancy Rates - All Unit Types

The vacancy for the City, for all unit types, was 3.5 percent in October of 1997 (latest available CMHC data). The vacancy rate for the Hamilton East Zone was 5.4 percent (all unit types). A vacancy rate between 2.0 percent and 3.0 percent is considered by CMHC as indicative of a healthy, competitive rental marketplace in a municipality.

Vacancy Rates - Apartment Units

The following table includes the vacancy rate, by unit type, for the City as a whole and the Hamilton East Zone.

Unit Type	City Vacancy Rate	Hamilton East Vacancy Rate
One-Bedroom	3.6%	5.9%
Two-Bedroom	3.3%	4.6%

The vacancy rates for the City and Zone, for all unit types, are above two percent, which is the guideline used in evaluating the rental housing market for the type of unit and the geographic area of the City.

Impact of Conversion on Vacancy Rate

Analysis of the change in the vacancy rate for the City, the Hamilton East Zone, for all units and by unit type, is used to determine if the conversion to condominium will negatively impact the vacancy rate within the City and the particular market zone. For the subject building, five of the units in the subject building are vacant at the current time (four one-bedroom units and one two-bedroom units). The following table shows the changes to the vacancy rates. The impact on the vacancy rate, as shown in the following table is small to negligible.

Impact on Vacancy Rate

Geographic Area	Unit Type	Impact on Vacancy Rate
City	All Units	Marginal Decrease (0.02%)
City	One Bedroom Units	Marginal Decrease (0.02%)
City	Two Bedroom Units	Marginal Decrease (0.01%)
Zone 2	All Units	Small Decrease (0.10%)
Zone 2	One Bedroom Units	Small Decrease (0.16%)
Zone 2	Two Bedroom Units	Marginal Decrease (0.04%)

The analysis of the impact on the vacancy rates reveals no significant impact on the vacancy rates within the City as whole or the Hamilton East Zone.

Rental Pricing

Average Rent Levels
October, 1997

Unit Type	City Wide Average Rent	Hamilton East Average Rent	29 Sherman S. Average Rent
One-Bedroom	$498	$465	$447
Two-Bedroom	$603	$558	$505

The units in the subject building are comparably priced to other similar rental stock in the in the Hamilton East Zone, based on the average rents. The units are priced somewhat lower than the average rent, on a City-wide basis.

Criteria for Which Conditions May be Instituted:

Potential Alternative Accommodation

The removal of the 23 units in this building will reduce the rental stock in the City and the Hamilton East Zone. The following table shows the rental stock for the unit types and the impact the conversion of these units would have on the removal of the units from the rental supply.

Geographic Area	Unit Type	Rental Stock	% Reduction of Rental Stock
City	All Units	30,815	-0.08%
City	One Bedroom Units	14,925	-0.10%
City	Two Bedroom Units	12,794	-0.06%
Zone 2	All Units	3,772	-0.61%
Zone 2	One Bedroom Units	1,997	-0.75%
Zone 2	Two Bedroom Units	1,487	-0.54%

The percentage reductions are small for the City (by Unit Type). Within the Hamilton East

Zone, the largest impact is the reduction of the one-bedroom stock which represents a reduction of 0.61% of this type of housing in the zone. However, it is noted that the vacancy rates within the Hamilton East Zone was 5.9% and there are other rental opportunities within the zone should a tenant wish to move within the area.

Affordability of Units

In the past, a review of the rents for proposals for conversion has been carried out to determine the affordability of the units. The review involved comparing the average rents to the affordable rents defined under the Income and Affordable Housing Price Data Information Bulletin (1995) that formed part of the Comprehensive Set of Policy Statements. With the passage of Bill 20, the Province has changed the policies relative to affordable housing and no longer releases information on affordable house prices. However, a review of the rents indicates that these units would be affordable to persons earning a minimum of $17,888 (One-Bedroom); and $20,225 (Two-Bedroom).

Monthly Carrying Costs

A review of the monthly carrying costs for any tenant purchasing the unit is based on the following assumptions:

1. A downpayment of 10 percent;
2. Prevailing interest rates at the time of preparation of this report are used in the mortgage calculation;
3. Property taxes are approximately $125 per month; and,
4. An average purchase price of $50,000 for a one-bedroom unit and $55,000 for a two bedroom unit.

On this basis, the monthly mortgage payment for such a one-bedroom unit would be $301; the additional property taxes ($125 per month) would bring the monthly total to $426. This figure is exclusive of condominium fees, which are not known at this point in time. For a two-bedroom unit, the monthly mortgage payment would be $332; the addition of $125 in property taxes would bring this total to $457. From this perspective, the units, as ownership, are comparably priced to the existing rental pricing. For existing tenants, assuming a 10 percent downpayment and prevailing mortgage interest rates (as of January 1998), these units would be affordable to households earning approximately $17,057 to $17,887 (one bedroom unit) and $18,263 to $19,175 (two bedroom unit). The monthly carrying costs are lower than the rent for the units (exclusive of condominium fees).

Summary

In summary, the application for conversion meets the criteria used by the Planning and Development Department in evaluating conversions.

IMPACT ON EXISTING TENANTS:

Some of the anticipated impacts on existing tenants have been noted in the preceding discussion.

The owner is offering the tenants who do not wish to purchase a unit a three year lease on a unit in the building.

TENANT INFORMATION MEETING:

On February 21, 1998, the tenant information meeting was held with the tenants, the applicant, the Ward Alderman, and staff of the Planning and Development Department. There was one tenant present from the building. Concerns raised at the meeting centred on how tenants would be treated if the building was converted and if they chose not to purchase their unit. The City's standard conditions related to conversions (guaranteed tenancy for a specified period of time at the current rent plus guideline increases) were explained.

COMMENTS:

1. The application can be supported for the following reasons:

    a) The vacancy rates for apartment units, in the City and in the Hamilton East Zone, are above 2.0 percent, which is considered indicative of a healthy rental housing market.

    b) The conversion to condominium of these units will provide an opportunity for affordable home ownership. In fact, the units are generally more affordable as ownership units than as rental units.

2. With regard to conditions to be imposed related to the conversion, it is recommended that the existing tenants, who choose not to purchase a unit, be given the option of entering into a three year least at their current rent, plus any guideline increases. The units within this building are competitively priced in terms of rental housing in the Hamilton East Zone, the vacancy rates are high in the zone, and there are opportunities for alternative rental accommodation. A three year term is consistent with the conditions of approval imposed by Council where the subject building fulfils the criteria used to evaluate the conversion.

3. For the information of the Committee, the application was circulated to various agencies for comments. The comments received were as follows:

    - Building Department: the building is legally established as a 23 unit apartment building;
    - Treasury Department: the property taxes for the site are currently paid.

CONCLUSION:

Based on a review of several housing market statistical indicators, the proposed conversion to condominium of the 23 units will not cause an adverse impact on the supply of affordable rental housing in Hamilton or in the Hamilton East Zone. The proposed conversion will result in the creation of "affordable" ownership housing that reaches a segment of the marketplace which has

not been in a position to attain home ownership in recent years.

As in previous RHPA applications, it is appropriate that some degree of flexibility be provided to tenants who may be affected by the conversion. Accordingly, tenants should have the option of staying in their units for an additional three-year period upon registration of the Approval Agreement.

MLT/

APPENDIX "A"

MONTHLY RENTAL CHARGES AS OF JANUARY 1, 1998

29 Sherman Avenue South

Unit 2	29 Sherman Avenue South Unit 2 Hamilton, ON L8M 2P6		Unit 3	29 Sherman Avenue South Unit 3 Hamilton, ON L8M 2P6	
	Rent:	$587.00		Rent:	$399.00
Unit 4	29 Sherman Avenue South Unit 4 Hamilton, ON L8M 2P6		Unit 6	29 Sherman Avenue South Unit 6 Hamilton, ON L8M 2P6	
	Rent:	$561.00		Rent:	$561.00
Unit 7	29 Sherman Avenue South Unit 7 Hamilton, ON L8M 2P6		Unit 9	141 Catharine Street South Unit 9 Hamilton, ON L8N 2J7	
	Rent:	$530.00		Rent:	$530.00
Unit 12	29 Sherman Avenue South Unit 12 Hamilton, ON L8M 2P6		Unit 14	29 Sherman Avenue South Unit 14 Hamilton, ON L8M 2P6	
	Rent:	$561.00		Rent:	$530.00
Unit 15	29 Sherman Avenue South Unit 15 Hamilton, ON L8M 2P6		Unit 16	29 Sherman Avenue South Unit 16 Hamilton, ON L8M 2P6	
	Rent:	$561.00		Rent:	$530.00

APPENDIX "A"

Unit 17	29 Sherman Avenue South Unit 17 Hamilton, ON L8M 2P6		Unit 18	29 Sherman Avenue South Unit 18 Hamilton, ON L8M 2P6	
	Rent:	$561.00		Rent:	$561.00
Unit 19	29 Sherman Avenue South Unit 19 Hamilton, ON L8M 2P6		Unit 20	29 Sherman Avenue South Unit 20 Hamilton, ON L8M 2P6	
	Rent:	$561.00		Rent:	$530.00
Unit 21	29 Sherman Avenue South Unit 21 Hamilton, ON L8M 2P6		Unit 22	29 Sherman Avenue South Unit 22 Hamilton, ON L8M 2P6	
	Rent:	$561.00		Rent:	$530.00
Unit 23	29 Sherman Avenue South Unit 23 Hamilton, ON L8M 2P6		Unit 24	29 Sherman Avenue South Unit 24 Hamilton, ON L8M 2P6	
	Rent:	$561.00		Rent:	$530.00

APPENDIX "B"

The conditions of RHPA approval are subject to the following standard terms, which terms shall form part of the applicable document:

(a) The following documents, namely the RHPA Approval Agreement, the leases and the Options to purchase shall be prepared by the Owner and registered by the Owner at his/her expense, including payment of registration fees.

(b) If the Tenant at any time vacates their rental unit, the Tenant's rights pursuant to lease and the Option to Purchase shall cease. The Tenant may not enter into an Agreement of Purchase and Sale unless the Tenant is at the time of its execution in possession of a rental unit.

(c) The Tenant's rights under the RHPA Approval Agreement, the lease, and the Option to Purchase shall be personal to the named Tenant(s) only and not assignable by the Tenant(s) to anyone, unless approved by the owner, in the owners absolute discretion.

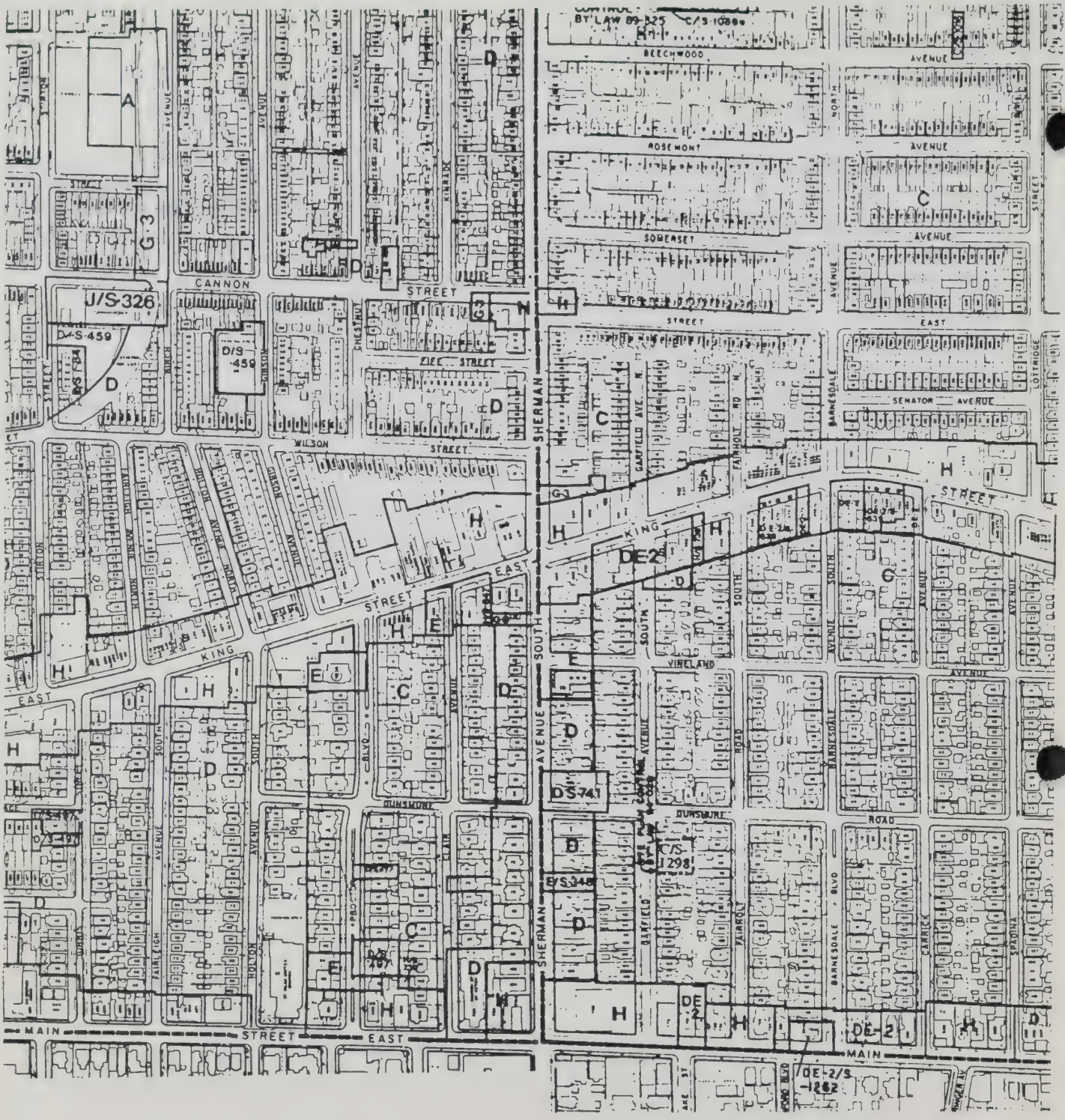
APPENDIX "C"

The Agreement of Purchase and Sale shall provide,

a) that the purchase price for a Unit be the price agreed upon between the Owner and the Tenant which price shall not exceed the dollar value assigned to the Unit by an accredited appraiser of real property less,

   i) $3,000.00 or 5.0 percent of the appraised dollar value of the Unit, whichever is greater; and,

   ii) 25.0 percent of the total rental payments made by the Tenant in the preceding 12-month period prior to date the Agreement of Purchase and Sale is executed between the Tenant and the Owner.



City of Hamilton

Key Map

Rental Housing Protection Act

29 Sherman Ave. S.

Planning and Development Department

Legend

Location of Subject Lands

North	Scale	Reference File No.
	Not to Scale	CD-97-004
	Date	Drawn By
	August 1997	R.L.

CITY OF HAMILTON

- RECOMMENDATION -

3.

DATE: 1998 February 4
(CD-97-005)

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng
Chief Administrative Officer

SUBJECT:

**Rental Housing Protection Act Application CD-97-005 -
75 Glenburn Court, Riverdale West Neighbourhood**

RECOMMENDATIONS:

(a) That approval be given to Application CD-97-005, under the Rental Housing Protection Act, 822938 Ontario Inc., In Trust, Owner, for conversion of 108 rental apartment units to condominium apartment units for the property located at 75 Glenburn Court, subject to the following conditions:

(i) That the City offer, on behalf of the Owner, in writing, to the Tenants residing at the premises on the date of Council's approval, the right to lease their current unit or a unit upon which the tenant and landlord mutually agree for a period of not less than three years from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in Appendix "A", upon the following minimum terms:

1. the Offer will be open for acceptance by the Tenants for a period of 30 days from the date the Offer is sent by the City;

2. the City will send the Offer, by registered mail, to the tenants residing at the premises as of the date of Council approval of the RHPA application, immediately following the expiration of the appeal period of the Council approval provided that the prescribed Phase II fee has been paid by, or on behalf of, the owner;

3. that the Tenants' rent will not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended; and,

4. that the Tenants' may terminate their lease, at any time, on 60 days written notice, without penalty.

(ii) That the City offer, on behalf of the Owner, in writing, to the Tenants residing at the premises on the date of Council's approval, an Option to purchase their current unit or a unit upon which the tenant and landlord mutually agree, together with appurtenant interests. Such Option shall allow each tenant at least three years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit. Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner, which agreement shall incorporate the conditions in Appendix "B", annexed hereto;

(iii) 1. That the City send by registered mail to the tenants residing at the premises as of the date of the Council approval of the RHPA application, the Option to Purchase details set by City Council; and,

2. That the notice indicated in section (ii) above shall be sent immediately following the expiration of the appeal period of the Council approval provided that the prescribed Phase II fee has been paid by, or on behalf of, the Owner; and,

3. That the tenants noted in (ii) above shall be given 30 days from the date of the letter sent by the City to notify the City whether they are or are not interested in further considering the Option.

(iv) That this RHPA approval shall cease and be at an end,

1. if the Owner has sold the land without entering into an RHPA Approval Agreement with the City and registering same on title; or,

2. within two years from the date of Council's approval of RHPA application CD-97-005, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton;

(v) That the Owner enter into a RHPA Approval Agreement with the City in a form satisfactory to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendices "A", "B" and "C", annexed hereto) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval;

(vi) In the event that the Owner proposes to sell all of the subject lands, he/she shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein;

(vii) That the Owner provide the City Solicitor with satisfactory evidence that any and all mortgagees of the property consent to the RHPA application;

(viii) That the Owner provide the City Solicitor with satisfactory evidence that there are no outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval; and,

(ix) That the Owner provide the City Solicitor with satisfactory evidence that a Change of Use Permit has been secured from the City of Hamilton Building Department.

(b) That upon satisfaction of the above-noted conditions, the City Solicitor be authorized to request that the City Clerk execute the RHPA Certificate of Approval.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The cost of processing this application is paid for by the applicant through the application fees.

BACKGROUND:

Owner

822938 Ontario Inc., In Trust, owner.

Existing Building

The subject property contains 108 apartment units. As of November 20, 1997, eighteen (18) of the units in the building were vacant. The units are comprised as follows:

Bachelor units - 2
One-bedroom units - 17
Two-bedroom units - 70
Three-bedroom units - 19

Nature of the Application

An application under the Ontario Rental Housing Protection Act (RHPA) for the property at 75 Glenburn Court was submitted to the City on September 4, 1997. The location of the subject property is shown on the attached key map. The proposal is to convert 108 apartment units to condominium. The applicant has indicated the likely sale price of the units will be the following:

Proposed Conversion Details

The application submitted includes details of the renovations to be undertaken:

Exterior Improvements:

a. All the original windows will be replaced with new aluminium thermal pane windows.
b. All landscaping will be upgraded.
c. All walkways will be replaced or repaired.
d. The parking lot paving will be repaired and sealed, new lines and numbers painted.
e. All the exterior concrete walls and balcony railings will be painted.

Interior Upgrades:

a. All fridges will be replaced with new full-sized frost free fridges.
b. All stoves will be replaced with new full-sized stoves.
c. All water taps in kitchens and bathrooms that need to be replaced will be replaced
d. All bathroom tiles and floors that need to be replaced will be replaced.
e. All kitchen floors will be replaced.
f. All kitchen cabinets will be replaced with new ones.
g. All hallway carpets will be replaced.
h. All ceramic tiles will be installed in front of all elevators hallway floor areas.
i. New ceramic tiles will be installed in the main lobby area.
j. The lobby walls, ceilings, doors will be renovated and redecorated.
k. All hallways and stairwells will be refurbished and painted.
l. All light fixtures in the common areas and in all units will be replaced.

In a brochure submitted to all tenants, the applicant has indicated the following "proposed price reduction and refunds": a) Price reduction of $3,000 per unit; b) 25% refund of the total rent paid over the preceding 12-month period; c) a price reduction of $1,500 of tenants keep their current fridge and stove; and, d) a price reduction of $2,000 if interior renovation work is not undertaken.

In addition, the applicant has provided options for tenants who do not wish to purchase a unit as follows: "a) signing a 1 to 5 year lease which would guarantee the present tenancy status of the unit; b) have the current owners finding new accommodations for you and have the current owners arrange for the new occupancy on your behalf; c) stay on a month to month basis just as you are at the present time; and, d) do not have to do anything different than now if you do not wish to."

Rent Details

The monthly rental charges for the occupied units, effective August, 1997, are as follows:

- Bachelor units range between $449 and $473 with an average rent of $470.95;
- One-bedroom units range between $469 and $519 with an average rent of $499.59;
- Two-bedroom units range between $560 and $676 with an average rent of $626.37; and,
- Three-bedroom units range between $350 and $757 with an average rent of $687.94.

APPLICABILITY OF THE RENTAL HOUSING PROTECTION ACT:

The purpose of the Act is to protect the supply of rental housing. The Act regulates changes to rental housing units including renovations, conversion to condominium, conversion to other uses, demolitions and severances. The rental apartment units at 75 Glenburn Court are subject to the Act since the applicant intends to convert the apartment units to condominium status. The Act notes that Council of a municipality shall not approve an application under the Act unless the council is satisfied that at least one of the following criteria is met:

i) the building is structurally unsound;
ii) the applicant provides the same number of new rental units in a similar rental range and in the same area and provides the existing tenants with rental accommodation of similar quality and rent in the same area; and/or,
iii) in the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality.

Criteria i) is not applicable as the applicant is seeking to convert the existing building to condominium status.

Criteria ii) is not applicable as the applicant is not providing any new rental units.

Therefore, Council may approve this application if it is of the opinion that the loss of these 108 rental units would not constitute an adverse effect on the supply of affordable rental housing in Hamilton. Further, if Council decides to approve the application, Council may wish to use the provisions of section 11(7) and 12 of the Rental Housing Protection Act to impose reasonable conditions on approval, to enter into agreements with the applicant concerning fulfilment of these conditions, and to register these agreements against title to the property.

Examples of suitable conditions in this situation might include:

- provision of a first right of refusal to all tenants interested in purchasing their unit.
- pricing of units for sale to tenants at the levels set out in the application.
- provision to tenants who do not wish to purchase of a period of security of tenure from eviction by the applicant or a subsequent purchaser of a condominium on the grounds of personal possession under section 103 of the Landlord and Tenant Act and on the grounds of renovation and repair, conversion of use, or demolition under section 105 of the Landlord and Tenant Act.

ANALYSIS OF IMPACT/EFFECT ON THE RENTAL HOUSING MARKETPLACE:

City Council may approve the application through Regulation O.Reg. 524/94 of the Rental Housing Protection Act if, in Council's opinion, the removal of these 108 rental units will not adversely affect the supply of affordable rental housing in the City. In June, 1995, the Planning and Development Department submitted an Information Report to the Planning and Development Committee regarding the evaluation of applications for condominium conversion.

The report outlined the criteria that will be used in evaluating applications and determining the staff recommendation. The criteria are in two groups: "Essential Criteria" and "Criteria for Which Conditions May be Instituted". The following is a list of the criteria in each group:

Essential Criteria:

1. The vacancy rate within the City of Hamilton for all units should be at least two percent.
2. The vacancy rate within the particular Canada Mortgage and Housing Corporation (hereafter referred to as "CMHC") Zone should be at least two percent (for all units).
3. The vacancy rate for the specific bedroom type should be at least two percent within the City and the zone.
4. The impact of conversion on the vacancy rates will be examined to ensure that vacancy rates will not be significantly impacted.
5. The rental pricing will be examined to review whether the units are priced significantly less than comparable units in the City and the zone.

Criteria for Which Conditions May be Instituted:

1. The availability of potential alternative rental accommodation will be reviewed in terms of bedroom type and monthly rental charge.
2. The affordability of the units will be examined in terms of affordability as ownership and rental units.
3. The monthly carrying costs will be examined to compare the monthly costs as rental and ownership units.

Rental Market Statistics Sources:

Current and historical data from the semi-annual Canada Mortgage and Housing Corporation Rental Market Report is used to evaluate the above-noted criteria. CMHC has divided the City into seven geographic zones; the subject property is located within "Zone 3 - East End Zone" which is bounded by the Red Hill Creek on the west, Lake Ontario to the north, the Escarpment to south and the City of Hamilton municipal boundary with Stoney Creek to the east. The CMHC survey data is generally regarded as the definitive source of rental housing market statistics within Hamilton and across Ontario. The most recent CMHC Rental Market Survey is from October, 1997.

Essential Criteria

Vacancy Rates - All Unit Types

The overall rental apartment vacancy rate for the City, in apartments with 6 units or more, was recorded at 3.51 percent in October, 1997. The vacancy rate for the East End Zone was 4.32 percent (all bedroom types). The vacancy rate in the East End Zone has been recorded at or above 2.0 percent since October, 1993. A vacancy rate between 2.0 percent and 3.0 percent is considered by CMHC as indicative of a healthy, competitive rental marketplace in a municipality for both tenants and landlords.

Vacancy Rates - Apartment Units

The following table shows the vacancy rate in apartments with 6 units or more, by bedroom type, for the City as a whole and the East End Zone as of October, 1997, which are the latest available statistics.

Bedroom Type	City of Hamilton Vacancy Rate	East End Vacancy Rate
Bachelor	5.50%	3.13%
One-Bedroom	3.57%	2.03%
Two-Bedroom	3.30%	5.96%
Three-Bedroom	1.90%	3.13%

The vacancy rate for the City for bachelors, one and two-bedroom units are above two percent; three-bedroom units are slightly below 2.0 percent at a level of 1.90 percent. The vacancy rate for all bedroom types in the East End Zone are above two percent.

Impact of Conversion on Vacancy Rate

Analysis of the change in the vacancy rate for the City, the East End Zone, for all units and by bedroom type, is used to determine if the conversion to condominium will negatively impact the apartment vacancy rate within the City and the particular market zone. Utilizing the published CMHC statistics from the October, 1997 Rental Market Survey and rent roll data for 75 Glenburn Court, the impact on the vacancy rate is negligible at the City and CMHC Zone level.

Geographic Area	Bedroom Type	Before Conversion Vacancy Rate	After Conversion Vacancy Rate
City of Hamilton	All Units	3.51%	3.46%
City of Hamilton	Bachelor	5.50%	5.51%
City of Hamilton	One-Bedroom	3.57%	3.57%
City of Hamilton	Two-Bedroom	3.30%	3.19%
City of Hamilton	Three-Bedroom	1.90%	1.85%
Zone 3 - East End	All Units	4.32%	4.04%
Zone 3 - East End	Bachelor	3.13%	3.33%
Zone 3 - East End	One-Bedroom	2.03%	2.00%
Zone 3 - East End	Two-Bedroom	5.96%	5.51%
Zone 3 - East End	Three-Bedroom	3.13%	2.95%

Rental Pricing

Average Rent Levels

Bedroom Type	City Wide Average Rent (Oct/97)	East End Average Rent (Oct/97)	75 Glenburn Court Average Rent (Aug/97)
Bachelor	$410	$391	$470.95
One-Bedroom	$498	$505	$499.59
Two-Bedroom	$603	$599	$626.37
Three-Bedroom	$723	$705	$687.94

The average monthly rent charges for 75 Glenburn Court are higher than the City of Hamilton average levels and the Zone 3 - East End average rent levels for bachelor units and two-bedroom units. For three-bedroom units, 75 Glenburn Court units are slightly below the City and East End average rent levels while for one-bedroom units the average is similar to both the City and East End average rent levels.

Impact on Overall Supply of Rental Housing

The removal of the 108 units in this building will reduce the rental stock in the City and the East End Zone. The following table shows the rental stock by bedroom type and the impact of removing these units from the overall rental supply.

Geographic Area	Bedroom Type	Rental Stock	% Reduction of Rental Stock
City of Hamilton	All Units	30,614	-0.354%
City of Hamilton	Bachelor	2,018	-0.099%
City of Hamilton	One-Bedroom	14,604	-0.117%
City of Hamilton	Two-Bedroom	12,653	-0.556%
City of Hamilton	Three-Bedroom	1,319	-1.462%
Zone 3 - East End	All Units	4,740	-2.332%
Zone 3 - East End	Bachelor	32	-6.667%
Zone 3 - East End	One-Bedroom	1,771	-0.969%
Zone 3 - East End	Two-Bedroom	2,667	-2.695%
Zone 3 - East End	Three-Bedroom	256	-8.017%

The percentage reductions are small for the City by bedroom type, with the exception of three-bedroom units which will decline by 1.462 percent. Within the East End Zone, the largest impact is a 8.017 percent reduction of the three-bedroom rental stock.

Criteria for Which Conditions May be Instituted

Potential Alternative Accommodation

A review was undertaken of the total number of vacant apartment units within Zone 3 - East End by monthly rent range as recorded by CMHC. This determines the extent or availability of similarly priced rental accommodation within the same general geographic area of the subject property. The table below shows the actual distribution of occupied rental units within 75 Glenburn Court by their monthly rental charge (rent roll information provided by the applicant) compared to the number of vacant rental apartment units in the East End Zone as reported by CMHC as of October, 1997.

Rent Range	75 Glenburn Bachelor	East End Vacant Bach.	75 Glenburn 1-Bed	East End Vacant 1-Bed	75 Glenburn 2-Bed	East End Vacant 2-Bed	75 Glenburn 3-Bed	East End Vacant 3-Bed
$1-459	1	0		0		0	1	0
$460-479		0	2	14		0		0
$480-499	1	0	8	**		0		0
$500-539		0	7	10		0		0
$540-579		0		**	3	136		0
$580-619		0		0	36	14		0
$620-659		0		0	12	10	1	**
$660-699		0		0	19	**	11	**
$700-739		0		0		0	4	0
$740-799		0		0		0	2	0
$800-899		0		0		0		0
Total	2	0	17	35	70	162	19	8

** - Data suppressed by CMHC due to confidentiality and/or small numbers.

Based on the above table, there is an alternative supply of vacant bachelor, one-bedroom and two-bedroom rental apartment units in the East End Zone of the City of Hamilton in the same rent range as the units within 75 Glenburn Court. For three-bedroom units, the supply of alternative rental units is more restricted than for the other bedroom types.

Monthly Carrying Costs

A review of the monthly carrying costs for a tenant purchasing a unit is based on the following assumptions:

1. A downpayment of 10 percent;
2. Prevailing mortgage interest rates (1-Year - 6.40%, 3-Year - 6.70% and 5-Year 6.85%);
3. An amortization of 25 years;
4. Property taxes at approximately $125 per month; and,
5. A purchase price of $39,900 for bachelor units; $49,900 for one-bedroom units; $59,900 for two-bedroom units; and $74,000 for three-bedroom units (as indicated by the applicant).

Bedroom Type	Mortgage Term	Principal, Interest & Taxes (PIT)	Variation from Actual Average Rent
Bachelor	One Year	$363	-$108 ($471)
Bachelor	Three Year	$370	-$101 ($471)
Bachelor	Five Year	$373	-$98 ($471)
One-Bedroom	One Year	$423	-$77 ($500)
One-Bedroom	Three Year	$431	-$69 ($500)
One-Bedroom	Five Year	$435	-$65 ($500)
Two-Bedroom	One Year	$483	-$143 ($626)
Two-Bedroom	Three Year	$493	-$133 ($626)
Two-Bedroom	Five Year	$498	-$128 ($626)
Three-Bedroom	One Year	$567	-$121 ($688)
Three-Bedroom	Three Year	$579	-$109 ($688)
Three-Bedroom	Five Year	$585	-$103 ($688)

Based on the above table, the units are significantly more "affordable" as owner-occupied compared to the actual average rent. It should be noted that monthly condominium fees have not been included in the above estimates. This is estimated as follows: bachelor - $100; one-bedroom - $120; two-bedroom - $160; and, three-bedroom - $200.

Summary

The rental apartment vacancy rate at the City of Hamilton level has been above 2.0 percent since April, 1992. As of October, 1997 the vacancy rate was recorded at 3.51 percent, higher than the 2.45 percent rate recorded in October, 1996. The subject property, 75 Glenburn Court, is situated within CMHC's East End Zone (Zone 3). As of October, 1997, the vacancy rate in this zone was recorded at 4.3 percent, an increase from the 2.9 percent level recorded in October, 1996. A vacancy rate between 2.0 percent and 3.0 percent is considered as indicative of a healthy, competitive rental marketplace for both tenants and landlords.

Accordingly, the proposal does satisfy the evaluation criteria established by staff to assess the merits of proposed condominium conversions. Therefore, the proposal to convert the 108 rental units at 75 Glenburn Court to condominium would not adversely affect the supply of affordable rental housing within the municipality.

IMPACT ON EXISTING TENANTS:

Some of the anticipated impacts on existing tenants have been noted in the preceding discussion. There is a supply of vacant alternative rental units within the same geographic area of 75 Glenburn Court including units presently vacant within the building. Further, as noted previously, the applicant is offering a tenancy guarantee of 1 to 5 years for those not wishing to purchase a converted unit.

TENANT INFORMATION MEETING:

On January 8, 1998, a tenant information meeting was held at St. Joan of Arc Separate School with the tenants, the applicant, and staff of the Planning and Development Department. There were 5 tenants present from the building present at the meeting. Concerns raised at the meeting centred on the cost and potential financing of the proposed condominium units and general questions on maintenance and upkeep of the building and individual units in a condominium ownership setting.

TENANT SURVEY RESULTS:

In tandem with the notification procedures for a public meeting concerning Rental Housing Protection Act applications, a brief survey questionnaire is forwarded by the City to all tenants seeking their opinions on the proposed conversion to condominium. As of February 6, 1998, a total of 14 surveys were returned with the following results:

1. Are you...	in favour of the proposal? -	1
	opposed to the proposal? -	5
	undecided? -	8
2. Do you...	intend to purchase a unit? -	0
	prefer to remain as a tenant? -	10
	undecided? -	4

COMMENTS:

City Council may approve the application through Regulation O.Reg. 524/94 of the Rental Housing Protection Act if, in Council's opinion, the removal of these 108 rental units will not adversely affect the supply of affordable rental housing in the City. Based on a review of several rental housing market indicators, it is evident that the removal of these 108 rental units will not adversely affect the supply of affordable rental housing in the City.

For the information of the Committee, the application was circulated to various agencies for comments. The comments received were as follows:

- Building Department:

  "1. The recognized use is a 106 unit multiple dwelling with a minimum required 131 parking spaces provided on the site as approved by Committee of Adjustment decision A-81:226.

  2. Committee of Adjustment decision A-97:183 has recently approve the conversion of the existing 106 unit multi-dwelling to a 108 unit multi-dwelling with a minimum required 130 parking spaces and no loading spaces provided on site subject to the conditions that a minimum 1.32m wide planting strip be provided and maintained along the west lot line for the parking area and that a minimum 1.524m high chain link fence be provided and maintained along the entire length of the east lot line (ravine edge).

  3. The issuance of a Change of Use permit in the normal manner is required in order to convert the building to a 108 unit multi-dwelling."

- Treasury Department:

  "OK, 1997 Realty Tax paid to date".

- Law Department:

  "No comments."

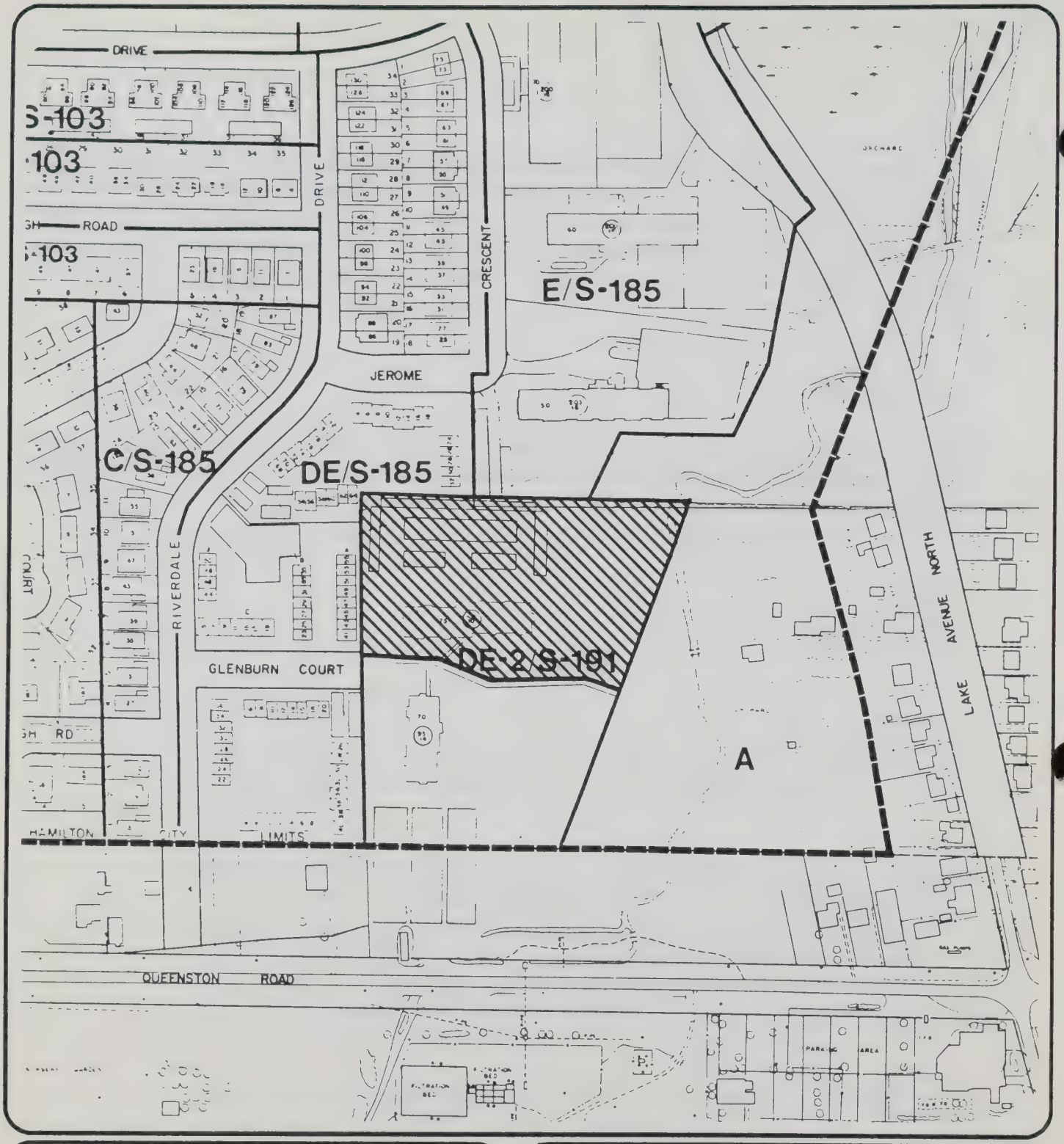
For the information of the Committee, the Rental Housing Protection Act will be repealed upon Royal Assent of "An Act to Consolidate and Revise the Law with respect to Residential Tenancies". The Provincial Government has indicated that Royal Assent will occur this Spring, in either March or April. Outstanding Rental Housing Protection Applications, such as this one for 75 Glenburn Court, are to be completed recognizing the criteria previously established by Regulation to the Act.

CONCLUSION:

On the basis of the foregoing, the application can be supported. The proposed conversion to condominium of the 108 units will not cause an adverse impact on the supply of affordable rental housing in Hamilton and the East End Zone.

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City of Hamilton

Key Map

Rental Housing Protection Act

75 GLENBURN COURT

Planning and Development Department

Legend

Location of Subject Lands

North	Scale	Reference File No.
	Not to Scale	CD-97-005
	Date	Drawn By
	December 1997	B. B.

APPENDIX "A" / 75 Glenburn Court/
CD-97-005

MONTHLY RENTAL CHARGES AS OF Januray 30, 1998

75Glenburn Court - CD-97-005

Unit 101	75 Glenburn Court Unit 101 Hamilton, ON L8E 1C7 Rent: $560.00	Unit 107	75 Glenburn Court Unit 107 Hamilton, ON L8E 1C7 Rent: $599.00
Unit 102	75 Glenburn Court Unit 102 Hamilton, ON L8E 1C7 Rent: $599.00	Unit 108	75 Glenburn Court Unit 108 Hamilton, ON L8E 1C7 Rent: $599.00
Unit 103	75 Glenburn Court Unit 103 Hamilton, ON L8E 1C7 Rent: $634.71	Unit 109	75 Glenburn Court Unit 109 Hamilton, ON L8E 1C7 Rent: $619.00
Unit 104	75 Glenburn Court Unit 104 Hamilton, ON L8E 1C7 Rent: $599.00	Unit 110	75 Glenburn Court Unit 110 Hamilton, ON L8E 1C7 Rent: $619.00
Unit 105	75 Glenburn Court Unit 105 Hamilton, ON L8E 1C7 Rent: $699.00	Unit 111	75 Glenburn Court Unit 111 Hamilton, ON L8E 1C7 Rent: $599.00
Unit 106	75 Glenburn Court Unit 106 Hamilton, ON L8E 1C7 Rent: $599.00	Unit 112	75 Glenburn Court Unit 112 Hamilton, ON L8E 1C7 Rent: $649.00

APPENDIX "A" / 75 Glenburn Court/
CD-97-005

Unit 113	75 Glenburn Court Unit 113 Hamilton, ON L8E 1C7 Rent: $699.00	Unit 117	75 Glenburn Court Unit 117 Hamilton, ON L8E 1C7 Rent: $599.00
Unit 114	75 Glenburn Court Unit 202 Hamilton, ON L8E 1C7 Rent: $756.92	Unit 201	75 Glenburn Court Unit 201 Hamilton, ON L8E 1C7 Rent: $509.00
Unit 115	75 Glenburn Court Unit 115 Hamilton, ON L8E 1C7 Rent: $599.00	Unit 2A	75 Glenburn Court Unit 2A Hamilton, ON L8E 1C7 Rent: $449.00
Unit 116	75 Glenburn Court Unit 116 Hamilton, ON L8E 1C7 Rent: $599.00	Unit 2B	75 Glenburn Court Unit 2B Hamilton, ON L8E 1C7 Rent: $450.00/Vacant

APPENDIX "A" / 75 Glenburn Court/
CD-97-005

Unit 301 — 75 Glenburn Court
Unit 301
Hamilton, ON
L8E 1C7

Rent: $565.00

Unit 302 — 75 Glenburn Court
Unit 302
Hamilton, ON
L8E 1C7

Rent: $606.48

Unit 303 — 75 Glenburn Court
Unit 303
Hamilton, ON
L8E 1C7

Rent: $449.00

Unit 304 — 75 Glenburn Court
Unit 304
Hamilton, ON
L8E 1C7

Rent: $699.00/Vacant

Unit 305 — 75 Glenburn Court
Unit 305
Hamilton, ON
L8E 1C7

Rent: $599.00

Unit 306 — 75 Glenburn Court
Unit 306
Hamilton, ON
L8E 1C7

Rent: $599.00

Unit 307 — 75 Glenburn Court
Unit 307
Hamilton, ON
L8E 1C7

Rent: $616.00

Unit 308 — 75 Glenburn Court
Unit 308
Hamilton, ON
L8E 1C7

Rent: $699.00/Vacant

Unit 309 — 75 Glenburn Court
Unit 309
Hamilton, ON
L8E 1C7

Rent: $519.37

Unit 310 — 75 Glenburn Court
Unit 310
Hamilton, ON
L8E 1C7

Rent: $599.00

Unit 311 — 75 Glenburn Court
Unit 311
Hamilton, ON
L8E 1C7

Rent: $569.00

APPENDIX "A" / 75 Glenburn Court/
CD-97-005

Unit 401
75 Glenburn Court
Unit 401
Hamilton, ON
L8E 1C7

Rent: $599.00

Unit 402
75 Glenburn Court
Unit 402
Hamilton, ON
L8E 1C7

Rent: $617.00

Unit 403
75 Glenburn Court
Unit 403
Hamilton, ON
L8E 1C7

Rent: $494.26/Vacant

Unit 404
75 Glenburn Court
Unit 404
Hamilton, ON
L8E 1C7

Rent: $699.00

Unit 405
75 Glenburn Court
Unit 405
Hamilton, ON
L8E 1C7

Rent: $599.00

Unit 406
75 Glenburn Court
Unit 406
Hamilton, ON
L8E 1C7

Rent: $599.00

Unit 407
75 Glenburn Court
Unit 407
Hamilton, ON
L8E 1C7

Rent: $615.00

Unit 408
75 Glenburn Court
Unit 408
Hamilton, ON
L8E 1C7

Rent: $699.00

Unit 409
75 Glenburn Court
Unit 409
Hamilton, ON
L8E 1C7

Rent: $505.13

Unit 410
75 Glenburn Court
Unit 410
Hamilton, ON
L8E 1C7

Rent: $580.82/Vacant

Unit 411
75 Glenburn Court
Unit 411
Hamilton, ON
L8E 1C7

Rent: $599.00

APPENDIX "A" / 75 Glenburn Court/
CD-97-005

Unit 501
75 Glenburn Court
Unit 501
Hamilton, ON
L8E 1C7

Rent: $625.00

Unit 502
75 Glenburn Court
Unit 502
Hamilton, ON
L8E 1C7

Rent: $599.00

Unit 503
75 Glenburn Court
Unit 503
Hamilton, ON
L8E 1C7

Rent: $469.00

Unit 504
75 Glenburn Court
Unit 504
Hamilton, ON
L8E 1C7

Rent: $699.00

Unit 505
75 Glenburn Court
Unit 505
Hamilton, ON
L8E 1C7

Rent: $580.80

Unit 506
75 Glenburn Court
Unit 506
Hamilton, ON
L8E 1C7

Rent: $599.00

Unit 507
75 Glenburn Court
Unit 507
Hamilton, ON
L8E 1C7

Rent: $580.82

Unit 508
75 Glenburn Court
Unit 508
Hamilton, ON
L8E 1C7

Rent: $699.00

Unit 509
75 Glenburn Court
Unit 509
Hamilton, ON
L8E 1C7

Rent: $499.00

Unit 510
75 Glenburn Court
Unit 510
Hamilton, ON
L8E 1C7

Rent: $581.00

Unit 511
75 Glenburn Court
Unit 511
Hamilton, ON
L8E 1C7

Rent: $655.99

APPENDIX "A" / 75 Glenburn Court/
CD-97-005

Unit 601 — 75 Glenburn Court
Unit 601
Hamilton, ON
L8E 1C7

Rent: $616.00

Unit 602 — 75 Glenburn Court
Unit 602
Hamilton, ON
L8E 1C7

Rent: $599.00

Unit 603 — 75 Glenburn Court
Unit 603
Hamilton, ON
L8E 1C7

Rent: $499.00

Unit 604 — 75 Glenburn Court
Unit 604
Hamilton, ON
L8E 1C7

Rent: $699.00

Unit 605 — 75 Glenburn Court
Unit 605
Hamilton, ON
L8E 1C7

Rent: $599.00

Unit 606 — 75 Glenburn Court
Unit 606
Hamilton, ON
L8E 1C7

Rent: $599.00/Vacant

Unit 607 — 75 Glenburn Court
Unit 607
Hamilton, ON
L8E 1C7

Rent: $604.80

Unit 608 — 75 Glenburn Court
Unit 608
Hamilton, ON
L8E 1C7

Rent: $695.00

Unit 609 — 75 Glenburn Court
Unit 609
Hamilton, ON
L8E 1C7

Rent: $499.00

Unit 610 — 75 Glenburn Court
Unit 610
Hamilton, ON
L8E 1C7

Rent: $599.00/Vacant

Unit 611 — 75 Glenburn Court
Unit 611
Hamilton, ON
L8E 1C7

Rent: $648.76/Vacant

APPENDIX "A" / 75 Glenburn Court/
CD-97-005

Unit 701 — 75 Glenburn Court
Unit 701
Hamilton, ON
L8E 1C7

Rent: $638.11/Vacant

Unit 702 — 75 Glenburn Court
Unit 702
Hamilton, ON
L8E 1C7

Rent: $569.00/Vacant

Unit 703 — 75 Glenburn Court
Unit 703
Hamilton, ON
L8E 1C7

Rent: $469.00

Unit 704 — 75 Glenburn Court
Unit 704
Hamilton, ON
L8E 1C7

Rent: $699.00

Unit 705 — 75 Glenburn Court
Unit 705
Hamilton, ON
L8E 1C7

Rent: $615.77

Unit 706 — 75 Glenburn Court
Unit 706
Hamilton, ON
L8E 1C7

Rent: $599.00

Unit 707 — 75 Glenburn Court
Unit 707
Hamilton, ON
L8E 1C7

Rent: $615.77/Vacant

Unit 708 — 75 Glenburn Court
Unit 708
Hamilton, ON
L8E 1C7

Rent: $669.00

Unit 709 — 75 Glenburn Court
Unit 709
Hamilton, ON
L8E 1C7

Rent: $488.46

Unit 710 — 75 Glenburn Court
Unit 710
Hamilton, ON
L8E 1C7

Rent: $581.00

Unit 711 — 75 Glenburn Court
Unit 711
Hamilton, ON
L8E 1C7

Rent: $580.82

APPENDIX "A" / 75 Glenburn Court/
CD-97-005

Unit 801
75 Glenburn Court
Unit 801
Hamilton, ON
L8E 1C7

Rent: $599.00

Unit 802
75 Glenburn Court
Unit 802
Hamilton, ON
L8E 1C7

Rent: $599.00/Vacant

Unit 803
75 Glenburn Court
Unit 803
Hamilton, ON
L8E 1C7

Rent: $505.00

Unit 804
75 Glenburn Court
Unit 804
Hamilton, ON
L8E 1C7

Rent: $699.00

Unit 805
75 Glenburn Court
Unit 805
Hamilton, ON
L8E 1C7

Rent: $616.00

Unit 806
75 Glenburn Court
Unit 806
Hamilton, ON
L8E 1C7

Rent: $606.54

Unit 807
75 Glenburn Court
Unit 807
Hamilton, ON
L8E 1C7

Rent: $600.00

Unit 808
75 Glenburn Court
Unit 808
Hamilton, ON
L8E 1C7

Rent: $719.00

Unit 809
75 Glenburn Court
Unit 809
Hamilton, ON
L8E 1C7

Rent: $499.00

Unit 810
75 Glenburn Court
Unit 810
Hamilton, ON
L8E 1C7

Rent: $631.09/Vacant

Unit 811
75 Glenburn Court
Unit 811
Hamilton, ON
L8E 1C7

Rent: $590.00

APPENDIX "A" / 75 Glenburn Court/
CD-97-005

Unit 901 — 75 Glenburn Court
Unit 901
Hamilton, ON
L8E 1C7

Rent: $616.00

Unit 902 — 75 Glenburn Court
Unit 902
Hamilton, ON
L8E 1C7

Rent: $599.00

Unit 903 — 75 Glenburn Court
Unit 903
Hamilton, ON
L8E 1C7

Rent: $513.00

Unit 904 — 75 Glenburn Court
Unit 904
Hamilton, ON
L8E 1C7

Rent: $699.00

Unit 905 — 75 Glenburn Court
Unit 905
Hamilton, ON
L8E 1C7

Rent: $580.82

Unit 906 — 75 Glenburn Court
Unit 906
Hamilton, ON
L8E 1C7

Rent: $599.00

Unit 907 — 75 Glenburn Court
Unit 907
Hamilton, ON
L8E 1C7

Rent: $616.00

Unit 908 — 75 Glenburn Court
Unit 908
Hamilton, ON
L8E 1C7

Rent: $699.80

Unit 909 — 75 Glenburn Court
Unit 909
Hamilton, ON
L8E 1C7

Rent: $499.00

Unit 910 — 75 Glenburn Court
Unit 910
Hamilton, ON
L8E 1C7

Rent: $599.00

Unit 911 — 75 Glenburn Court
Unit 911
Hamilton, ON
L8E 1C7

Rent: $599.00

APPENDIX "A" / 75 Glenburn Court/
CD-97-005

Unit A1001 75 Glenburn Court
Unit A1001
Hamilton, ON
L8E 1C7

Rent: $629.22/Vacant

Unit A1002 75 Glenburn Court
Unit A1002
Hamilton, ON
L8E 1C7

Rent: $599.00

Unit A1003 75 Glenburn Court
Unit A1003
Hamilton, ON
L8E 1C7

Rent: $514.00/Vacant

Unit A1004 75 Glenburn Court
Unit A1004
Hamilton, ON
L8E 1C7

Rent: $699.00

Unit A1005 75 Glenburn Court
Unit A1005
Hamilton, ON
L8E 1C7

Rent: $599.00

Unit A1006 75 Glenburn Court
Unit A1006
Hamilton, ON
L8E 1C7

Rent: $616.00

Unit A1007 75 Glenburn Court
Unit A1007
Hamilton, ON
L8E 1C7

Rent: $620.00

Unit A1008 75 Glenburn Court
Unit A1008
Hamilton, ON
L8E 1C7

Rent: $180.39

Unit A1009 75 Glenburn Court
Unit A1009
Hamilton, ON
L8E 1C7

Rent: $499.00

Unit A1010 75 Glenburn Court
Unit A1010
Hamilton, ON
L8E 1C7

Rent: $599.00

Unit A1011 75 Glenburn Court
Unit A1011
Hamilton, ON
L8E 1C7

Rent: $612.53

APPENDIX "B"

The Agreement of Purchase and Sale shall provide,

(a) that the sale shall be completed within One Hundred and Twenty (120) days of execution of the agreement, unless otherwise agreed by the Tenant and Owner; and,

(b) that the purchase price for a Unit be the price agreed upon between the Owner and the Tenant which price shall not exceed the dollar value assigned to the Unit by an accredited appraiser of real property less,

i) $3,000.00 of the appraised dollar value of the Unit; and,

ii) 25.0 percent of the total rental payments made by the Tenant in the preceding 12-month period prior to date the Agreement of Purchase and Sale is executed between the Tenant and the Owner.

The aforementioned accredited appraiser of real property shall be retained at the expense of the owner and the appraisal of the unit shall be conducted within 21 days of the Tenant exercising their Option to purchase a unit.

APPENDIX "C"

The conditions of RHPA approval are subject to the following standard terms, which terms shall form part of the applicable document:

(a) The following documents, namely the RHPA Approval Agreement, the leases and the Options to purchase shall be prepared by the Owner and registered by the Owner at his/her expense, including payment of registration fees.

(b) If the Tenant at any time vacates their rental unit, the Tenant's rights pursuant to lease and the Option to Purchase shall cease. The Tenant may not enter into an Agreement of Purchase and Sale unless the Tenant is at the time of its execution in possession of a rental unit.

(c) The Tenant's rights under the RHPA Approval Agreement, the lease, and the Option to Purchase shall be personal to the named Tenant(s) only and not assignable by the Tenant(s) to anyone, unless approved by the owner, in the owners absolute discretion.

4.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 February 12

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Historic Core of McMaster University: University Hall, Hamilton Hall, Wallingford Hall, the Refectory, Edwards Hall and Alumni Memorial Hall - Designation under the Ontario Heritage Act

RECOMMENDATION:

a) That approval be given to the Intent to Designate the historic core of McMaster University at 1280 Main Street West, specifically, University Hall, Hamilton Hall, the Refectory, Wallingford Hall, Edwards Hall and Alumni Memorial Hall and the landscaped open space extending north-south from the ravine edge to Scholar's Road and east-west from Edwards Hall to Wallingford Hall, as a property of historical and architectural value, as outlined in the Reasons for Designation attached hereto and marked Appendix "A", pursuant to the provisions of the Ontario Heritage Act, 1997, Part IV; and,

b) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1997.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: n/a

BACKGROUND:

It should be noted that the above recommendation pertains to the buildings and open space which comprise the historic core of McMaster University. A new University Centre of 105,000 square feet is currently being proposed as in-fill construction in this historic core area.

The Committee clearly stated that they supported McMaster's decision to provide a new University Centre and that their main concern was with the building's proposed location within the historic core.

It should also be noted that designation under the Ontario Heritage Act does not protect buildings permanently against demolition but rather provides, with Council approval, a 180-day delay of demolition. Nor does the Ontario Heritage Act prevent alterations to a designated building but does have a provision known as a Heritage Permit whereby Council may approve proposed alterations.

LACAC at its full committee meetings, at its Research Sub-Committee meetings and on site visits has reviewed and evaluated the historic core of McMaster University on twelve occasions.

On 1998 February 11, LACAC viewed the two current proposals for the new University Centre--Option C proposes an entirely new free-standing building replacing Alumni Memorial Hall and Option A/C proposes adding two wings onto Hamilton Hall, one at its south-east side and another on its west side.

After this lengthy deliberation, LACAC has come to the following conclusions:

(1) That the historic core of McMaster University is of architectural and historical significance and worthy of designation;

(2) Given that the Committee's mandate is to preserve historically and architecturally significant buildings, LACAC's first preference is to find a site for the new University Centre outside of the historic core of the campus, i.e., not Options A, C, or A/C, in order to preserve the architectural integrity of Hamilton Hall, University Hall, the Refectory, and Alumni Memorial Hall and their setting;

(2) If LACAC would have to make a choice between Option A/C and Option C, the Committee would prefer Option A/C in that it doesn't result in the demolition of any historic buildings. Committee Members, while they could not endorse the Option A/C in its present form, were open to the possibility that some kind of compromise solution could be achieved at this site;

(3) LACAC could not support Option C at all because of the loss of Alumni Memorial Hall and its setting.

The President and Vice-Chancellor of McMaster University, Dr. Peter George, has been advised of LACAC's concerns both informally and by registered letter. Another registered letter will be sent to him today, 1998 February 12, advising of LACAC's recommendation and the consideration of this matter at the Planning and Development Committee meeting on 1998 February 18.

Chronology:

1997 October	McMaster announced a review of four optional sites for the new location of the proposed University Centre. Subsequently, the four sites were reduced to two sites, one of which--Option (C)--called for the demolition of Alumni Memorial Hall for the new structure.
1997 November 11	A letter requesting the designation of Alumni Memorial Hall was sent to LACAC by Dr. Norman Shrive, a McMaster alumnus and former professor, who was actively engaged in the planning and fund-raising for this building in the late 1940s.
1997 November 24	At a special meeting, LACAC evaluated Alumni Memorial Hall as well as the five other original buildings comprising the historic core, inclusive of open space, to be eligible for designation under the Ontario Heritage Act. All buildings were listed on the Inventory of Buildings of Architectural and/or Historical Interest for the City of Hamilton.
1997 December 15	Letter from LACAC to McMaster President and Vice-Chancellor, Dr. Peter George, requesting a meeting with him and the Board of Governors to discuss McMaster's historic core.
1998 January 12	LACAC requested Staff to prepare the Reasons for Designation (attached).
1998 February 2	Registered letter sent from LACAC to Dr. Peter George advising that the Committee is currently considering recommending designation of the historic core of the campus.
1998 February 9	Meeting of LACAC with Dr. George, Mr. Ivison, Chair, Board of Governors, Mr. Soomet, Chair, Planning and Building Committee, Mr. Darling, Vice-President Administration, and Ms. Howard, Director of Public Relations.
1998 February 11	LACAC made site visit to McMaster campus to view the new design proposals by architects Moriyama and Teshima for the University Centre for Site Option A/C and Site Option C. The Committee subsequently met at City Hall and, after extensive discussion, approved the above recommendation.

attached

cc Mayor R. M. Morrow
Victor Abraham, Director, Planning and Development Department
Nina Chapple, Planning and Development Department
Patrice Noé Johnson, City Solicitor
Dr. Peter George, President and Vice-Chancellor, McMaster University

APPENDIX "A"

McMaster University: Historic Core
(University Hall, Hamilton Hall, Wallingford Hall, Edwards Hall, The Refectory and Alumni Memorial Hall)

REASONS FOR DESIGNATION

CONTEXT (Present Setting and History of the Site)

The historic core of the main campus of the present-day McMaster University comprises a cluster of five Collegiate Gothic brick and stone buildings opened in 1930 (University Hall, Hamilton Hall, the Refectory and two residences) and Alumni Memorial Hall, built 20 years later in a similar style. Placed informally in partially enclosed quadrangle configurations, these stylistically unified buildings loosely follow the irregular edge of the heavily wooded ravine area forming the northern boundary of the campus. Though not part of the original complex, the modestly scaled Alumni Memorial Hall fits unobtrusively into its setting, standing on a triangular pocket of sloping land bounded by the ravine to the west, University Hall and Hamilton Hall to the south, and Edwards Hall to the east. The open space between the buildings and bordering the ravine is landscaped with grass, trees and a network of footpaths. With the exception of the greenhouse added in the late 1960s, the historic core has essentially retained its original character, notably, the harmonious relationship between the buildings and landscape.

The planners for the original Hamilton campus of McMaster University envisaged a seat of higher learning set in parklike surroundings. This concept was developed as part of a larger beautification scheme spearheaded by Thomas B. McQuesten, an influential member of the City's Board of Parks Management. Largely implemented between 1927 and 1932, this scheme also encompassed a wildlife sanctuary around Cootes Paradise, nature trails, a rock garden and other landscaped areas which together make up the present-day Royal Botanical Gardens, as well as a grand north-western entrance to Hamilton with a monumental high level bridge over the Desjardins Canal.

The original landscaping plan for the McMaster campus was prepared by Dunnington-Grubb, one of Ontario's foremost landscape gardening and design firms. As recommended by Dunnington-Grubb, and endorsed by the Parks Board, the first buildings were carefully sited to take full advantage of the natural setting, described at the time as "one of the most beautiful natural ravines in Canada"*. Only the two large central academic buildings, Hamilton Hall and University Hall, were primarily oriented towards King and Main streets to the south: the latter, with its dominant corner tower, provided a strong visual terminus to University Avenue, once the principal approach to the campus. Plans to beautify the City-owned lands south of the campus

included a sunken garden between King and Main (built according to plans prepared by Dunnington-Grubb and removed for the construction of the Health Sciences Complex).

* McMaster University, Hamilton, Ontario", *Construction*, November 1930, p. 373.

HISTORY (Institution and Buildings)

McMaster was founded in 1887 in Toronto as a small Baptist university devoted to arts and theology, named after its founder and first benefactor, Senator William McMaster. A campaign to bring McMaster University to Hamilton, launched by a Citizens' Committee and headed by local businessman William J. Westaway, concluded successfully in 1927. McMaster then accepted the City's offer, which included the donation of a magnificent site just west of the emerging suburb of Westdale; landscaping to be undertaken by its Parks Board (both on the campus and the adjacent lands south of King Street) and a gift of $500,000 from the citizens of Hamilton to build a science building.

The transplanted McMaster University re-opened in 1930 with Howard P. Whidden as its first chancellor and a combined faculty and student population of about 650. It soon ranked as one of the principal institutions of higher learning in the province, along with the University of Toronto, Queen's University (Kingston) and the University of Western Ontario (London). McMaster retained its Baptist affiliation until becoming a non-denominational institution in 1957.

The original cluster of five buildings, all erected in 1929-30, comprised University Hall (arts and administration building), which included a library and auditorium (Convocation Hall), Hamilton Hall (science building), Edwards Hall (men's residence), Wallingford Hall (women's residence), the Refectory (dining hall and central heating plant). Fund-raising for an ambitious scheme to build a large student recreation centre, that would also serve to honour the 54 students and graduates who lost their lives in the first and second world wars, was begun in 1946. Three years later, when the funds pledged by alumni and undergraduates still fell far short of the total required, it was decided to proceed with a scaled-down version on a different site. Completed in 1951, Alumni Memorial Hall originally housed a cafeteria (the Buttery), men's and women's lounges, a common room (the Great Hall) and offices for the Alumni Association.

ARCHITECTURE

Designed by the noted Hamilton-born, Toronto-based architect, William Lyon Somerville, in association with J. Francis Brown & Son, the original five buildings rank as very good examples of the Collegiate Gothic style. The architects followed a precedent established for new buildings on other Canadian university campuses, which took their inspiration both from the medieval colleges of Oxford and Cambridge and the late 19th/ early 20th century American campus buildings influenced by this tradition (notably, Princeton University). The McMaster buildings

are included in a brief national survey of Collegiate Gothic architecture, along with several earlier Canadian examples: various buildings for Victoria College, and Hart House (1911-24) at the University of Toronto, the College of Agriculture at the University of Saskatchewan (1910-12) and the Science Building at the University of British Columbia (1914-25).* The two main buildings, University Hall and Hamilton Hall, were described by the art historian and McMaster graduate, Robert Hubbard, as "probably the best Gothic group in Canada", after parts of Victoria College and Hart House.** They are distinguished by their stone exteriors: rock-faced ashlar with dressed stone trim and carved ornamentation. The other four buildings are brick masonry with stone trim. All pitched roofs are covered with slate; and the original windows were all leaded glass casement windows.

* Harold Kalman, *A History of Canadian Architecture*, vol. 2 (Oxford University Press: 1994), pp. 706-711

** R.H. Hubbard, "Modern Gothic in Canada", *National Gallery of Canada Bulletin*, vol. 25 (1975), pp. 3, 15.

Inspired by the 15th century Magdalen College at Oxford University and reminiscent of Hart House, University Hall is the most architecturally distinctive of the original McMaster buildings. This three-storey building with a rear wing housing Convocation Hall is notable for its buttressed corner tower with a Tudor archway, crenellated parapet and carved stone finials, its picturesque roofline created by the projecting gabled third-storey windows and chimney stack, its varied fenestration (including some stone tracery, an elaborate two-storey bay window on the tower and an oriel window), and its dignified main entrance. This raised entrance portico features a pointed archway with decorative wrought-iron doors, an ornate carved stone surround and a crenellated parapet bearing the University crest.

University Hall also has the finest interior space: the large auditorium known as Convocation Hall, which was designed in the tradition of English college halls. The main space is divided into seven bays, articulated by Tudor-arched wood trusses sprung from stone corbels (representing the heads of famous scientists and philosophers) to support an oak-panelled ceiling. Rising between the corbels are tall leaded-glass Gothic windows with stone tracery and frames. The rear of the auditorium features a balcony supported by four octagonal columns with a solid paneled oak balustrade and a set of three double wood doors leading to the stair hall. At the front, the Tudor-arched opening of the proscenium focuses attention on the impressive stained-glass Gothic window above the platform: the Bunyan Memorial Window.

The adjacent Hamilton Hall, an L-shaped 3-storey building, is similar in construction and exterior detailing to University Hall but has a somewhat more utilitarian character, in keeping with its original function as a science facility. Notable features include the crenellated parapet of the predominantly flat roof, the very large casement windows on the first and second floors (laboratories and lecture rooms), the carved stone oriel window with its sundial, and the entrance portico with its pointed archway, wrought-iron gates, and stone carvings symbolizing the joint McMaster/Hamilton project and representing the various sciences.

The two residences: Wallingford Hall (for women) and Edwards Hall (for men), though differing in size and layout, are very similar in their exterior treatment. Both have Tudor-arched doorways with cut and carved stone surrounds, casement windows with cut-stone surrounds, and picturesque rooflines with tall gables and chimneys. Wallingford House also features two-storey bay windows and an oriel window over the east entrance (all constructed of stone).

The Refectory, though similar in its massing and materials to the residence buildings, has a more domestic "Arts and Crafts" character, with stone used sparingly for plain capstones and sill courses. It features a prominent steep-pitched roof surmounted by a cupola (over the dining hall), buttressed walls, two open wood porches with steep gable roofs (west and north facades), and two tall bay windows. The spacious dining hall is notable for its impressive open-truss, wood-panelled ceiling with the original hanging globe light fixtures.

Built in 1949-51, Alumni Memorial Hall was sensitively designed by the architects (Bruce Brown and Brisley in collaboration with W.L. Somerville) to complement the style of the original buildings, respect their siting and take full advantage of the ravine-edge setting. Built on a sloping site, this T-shaped 1 1/2 storey brick masonry building has an above grade basement on the west facade, allowing for panoramic views of the ravine from both the main hall and dining room below. In its overall massing and detailing, Alumni Memorial Hall, most closely resembles the Refectory and, except for the elaborate front entrance, possesses the same domestic character. The projecting entrance porch, with its Tudor archway, cut-stone surround and recessed Tudor-arched doorway serves as a visual focal point for visitors approaching the building via the long straight pathway from Scholar's Road. The double glazed wood doors lead directly up a small flight of stairs to the impressive main hall with its high wood-panelled truss ceiling and stone fireplace.

DESIGNATED FEATURES

The boundaries of the designated property extend from the west side of Wallingford Hall to the east side of University Hall and Edwards Hall and from Scholars Road to the ravine edge and the north side of Edwards Hall; it also includes Hamilton Hall and Alumni Memorial Hall.

Important to the preservation of the cluster of five original buildings and Alumni Memorial Hall are:

- the original architectural materials and features of the facades and roofs of all six buildings, including the stone ashlar and brick masonry walls; cut stone door/ window surrounds, mullions and tracery; stone entrance steps, carved stone ornamentation, wrought-ironwork (notably the entrance doors of University Hall and Hamilton Hall).
- the landscaped open space within the boundaries defined above, including the low stone wall with the Tudor archway linking University Hall and Edwards Hall.

Excluded are:
- the brick masonry entrance and stairwell addition to the south facade of the Refectory, providing access to the basement cafeteria/pub (1964-5).
- the glazed bridge connection to Gilmour Hall on the north facade of the tower of University Hall (1970-71).
- the greenhouse between the Refectory and Hamilton Hall (circa 1968).
- ancillary service and utility structures.

Also important to the preservation of University Hall, the Refectory and Alumni Memorial Hall are the interior spaces identified respectively as Convocation Hall, the Refectory Dining Hall and Memorial Hall and all of their original architectural finishes and features.

6(a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 February 4
(OP-DTSP)

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Victor Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Downtown Hamilton Secondary Plan - Putting People First

RECOMMENDATIONS:

(a) That the attached terms of reference for the Downtown Secondary Plan, entitled "Putting People First", be approved in principle; and,

(b) That a Capital Budget Submission, in the amount of $165,000, to undertake the Downtown Hamilton Secondary Plan, be submitted as part of the 1998-2007 Capital Budget process.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The funding would be considered as part of the 1998-2007 Capital Budget process. This funding would be included as a component of the Capital Budget Program for Downtown in the 1998-2007 Capital Budget.

BACKGROUND:

At its meeting of October 22, 1997, the Planning and Development Committee was presented

with a report recommending the preparation of a Secondary Plan for Downtown Hamilton. The following is an extract from that report, which outlined the reasons for preparing the Secondary Plan:

"The creation of a Downtown Secondary Plan can provide an overall framework for bringing all directions, activities and initiatives together in a coordinated manner and spell out a detailed implementation strategy. A Secondary Plan is a particularly relevant instrument for this role as it is a legal document under the Planning Act and therefore has an official legal status.

On October 14, 1997, City Council endorsed *CityView*, the guiding direction for Hamilton's new Official Plan. *CityView* recognizes Downtown Hamilton as a distinct place in our community and within all city planning documents. As noted in *CityView*, "The Downtown is a community where people wish to live, work and visit."

In addition to the specific Downtown objectives identified in CityView, the Downtown Secondary Plan will address a number of broad objectives toward enhancing the aesthetic character and economic vitality of Downtown Hamilton and to promote the Downtown as a community where people wish to live, work and visit.

1. Establishing the framework to ensure new development/redevelopment respects the prevailing urban form/development context. By promoting and ensuring an attractive and pedestrian-friendly built form in downtown, this will act as a draw for people to come into the downtown;

2. Promoting overall revitalization by being "open for business" in terms of land use flexibility. What goes on inside a building (either new or existing) is not a concern provided it is not an activity that has the potential for adversely affecting neighbouring properties, eg, plastics recycling; and,

3. In the context of the broader metropolitan community, providing focus and direction for the downtown as the location for key economic activities and functions, eg., cultural, entertainment, office, retial commercial, etc.

The geographic area encompassed by the Downtown Secondary Plan will be bounded by Cannon Street, Wellington Street, Hunter Street and Queen Street."

The Planning and Development Committee adopted the following recommendations from the Director of Planning and the Chief Administrative Officer in regard to the preparation of the Downtown Secondary Plan:

"(a) That as part of the 1998 Capital Budget Review Process, a submission be made in the amount of $95,000 for the preparation of a Downtown Secondary Plan; and,

(b) That the Director of Planning and Development initiate and coordinate the formation of a staff resource team comprised of representatives from appropriate City Departments to oversee the preparation of the Capital Budget Submission,

Terms of Reference, and the preparation of the Downtown Secondary Plan."

City Council adopted these recommendations at its meeting of October 28, 1997.

COMMENTS:

1. The Planning and Development Department has developed the Terms of Reference for the Study, which are attached to this report. The Study is entitled "Putting People First" and is focused on developing strategies for Downtown Hamilton that focus on the importance of having people work, live, shop, and visit Downtown Hamilton. A copy of the Terms of Reference for the Study is attached to this report.

2. In developing this Terms of Reference, certain studies were identified as part of the project budget. These studies include a design strategy and an economic study which addresses issues such as development financing and taxation. The costs of these studies were not contemplated in the October report to Council. However, the detailed Terms of Reference outlines the need for including these studies as part of the process for developing the Downtown Secondary Plan. Accordingly, it is recommended that the amount of funding for this project be increased to $165,000 which is consistent with the Terms of Reference for the study.

MLT/

cc: M. Fenn, CAO, Regional Municipality of Hamilton-Wentworth
J. Thoms, Commissioner, Regional Environment Department

CITY OF HAMILTON

- RECOMMENDATION -

6(b)

DATE: 1998 February 10
DA-96-29 (ZA-90-06)
Beasley Neighbourhood

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Mr. V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT:

Site Plan Control Application DA-96-29 for lands at 260-280 King Street East.

RECOMMENDATION:

A. That approval be given to amended Site Plan Control Application DA-96-29 by Spallacci & Sons Ltd., owner, for lands known as 260 King Street East, as shown on the attached map, to permit the development of a twelve (12) storey residential and commercial building, subject to the following:

(i) modification to the plan in relation to notes and dimensions as marked in red on the plan and removal of the layby from the plans;

(ii) submission of a revised grading plan to the satisfaction of the Commissioner of the Regional Environment Department;

(iii) dedication to the Region of 0.914 m land along King Street East for the purpose of a road widening to establish 3.048 m minimum municipal sidewalk along King Street East;

(iv) provision of the appropriate encroachment agreement(s) with the Region of Hamilton-Wentworth for the canopies or marquees that may encroach into the King Street East road allowances, as widened;

(v) prior to the issuance of a Building Permit, the applicant/owner must enter into an Encroachment Agreement with the Region of Hamilton-Wentworth for the portion of the underground footings, underground parking garage and/or underground foundation walls, etc. which will encroach into the 0.914m strip of land to be dedicated to the Region for the road allowance widening of King Street;

(vi) provision of the appropriate landscape and paving agreement(s) with the Region of Hamilton-Wentworth for the landscaping and paving within the road allowance;

(vii) submission of a revised landscape plan to the satisfaction of the Director of the Planning and Development Department and the Director of Public Works and Traffic for the landscape treatment and hard surface treatment adjacent to the King Street road allowance;

(viii) submission of a revised underground and aboveground parking structure to the satisfaction of the Director of Public Works and Traffic; and,

(ix) approval by the Committee of Adjustment to eliminate any required loading and manoeuvring spaces requirements for the subject lands.

BACKGROUND:

Plans have been submitted for a twelve (12) storey residential and commercial building at 260-280 King Street East with a layby in the King Street Road allowance, as shown on the attached map. The details of the development are as follows:-

• Net Lot Area	-	2,130.3 m^2
• Building Coverage	-	1,641.0 m^2
• Gross Floor Area -	-	11,7159.0 m^2 (commercial - 446.0 m^2)
• Proposed Building Height	-	12 storeys (max.)
• No. of Parking Spaces Provided	-	92
• No. of Loading Spaces (layby)	-	one (1) 3.7 m x 18.0 m x 4.3 m, within the King Street Road allowance
• Landscape Area	-	857.30 m^2
• Exterior Building Materials	-	brick, concrete block, aluminum window & glass, steel railings, metal roof

At the third storey a landscaped terrace has been proposed along the south side of the building.

COMMENTS RECEIVED:

The Regional Environment Department and Regional Transportation Department have advised that the grading plan requires clarification and modification in accordance to their comments and have forwarded several comments with respect to the development of the lands (See Appendix "B" and Appendix 'B' contd - dated February 9, 1997). A revised grading plan should be submitted to the satisfaction of the Commissioner of the Regional Environment Department.

Further to their comments of October 28, 1997, the Regional Environment Department, Regional Transportation Department and the Department of Public Works and Traffic have advised that they are collectively **opposed** to the applicant's layby option and recommend that it be deleted from the proposal.

The Department of Public Works and Traffic has reviewed the revised plan submitted and has forwarded comments regarding the access on King Street East, parking space requirements, and the lay-by (See Appendix "C").

The Building Department has reviewed the plans submitted and have forwarded several comments with respect to the development of the lands (See Appendix "D").

COMMENTS:

Various modifications are required to the plan in relation to notes and dimensions, and comments provided by the Regional Environment Department, Regional Transportation Department and the Department of Public Works and Traffic and have been marked in red on the plans.

With respect to the layby issue, the architect and developer are of the opinion that there are only two (2) options from their perspective - one that incorporates a loading bay (i.e. layby), or another that incorporates sidewalk bump-outs. As mentioned above, the Regional Environment Department and the Regional Transportation Department have advised that they are collectively **opposed** to the applicant's layby option. However, the Bump-outs that the applicant has requested in lieu of the layby may become an option. But it is premature to commit to the "Bump-outs" as given. The Downtown Transportation Study "Smart Moves" held January 28, 1998 clearly indicated that there is a lot more work and stakeholder involvement required to address the "philosophy" of King Street East and whether or not it should be one or two-way. Therefore, the only option which could proceed immediately in our opinion is one which maintains the existing curb lines. However, there is the opportunity to define and enhance the applicant's frontage using design features such as canopies, or marquees.

Therefore, the Regional Environment Department and Regional Transportation Department recommended that the layby be deleted from the plan and the following conditions be applied with respect to site plan approval:-

- dedication to the Region of 0.914 m land along King Street East for the purpose of a road widening to establish 3.048 m minimum municipal sidewalk along King Street East;

- provision of the appropriate encroachment agreement(s) with the Region of Hamilton-Wentworth for the canopies or marquees that may encroach into the King Street East road allowances, as widened;

- provision of the appropriate landscape and paving agreement(s) with the Region of Hamilton-Wentworth for the landscaping and paving within the road allowance.

However should the Committee recommend that a layby be constructed adjacent to the existing south curb of King Street in conjunction with this development approval, we recommend that the following conditions of site plan approval be added:

- That the applicant/owner make application to and receive Regional Council approval to construct a lay-by within the King Street East road allowance, as widened. This layby, if approved, will require an agreement with the Region.

- That the applicant/owner dedicate sufficient lands to the Region for the road widening of King Street varying from 0.914m in depth to 3.40m in depth. This is required to establish a minimum 3.048m municipal sidewalk around the lay-by.

- That prior to the issuance of a Building Permit, the applicant/owner must enter into an Encroachment Agreement with the Region of Hamilton-Wentworth for the portion of the **underground parking garage** which encroaches into the King Street road allowance, as widened."

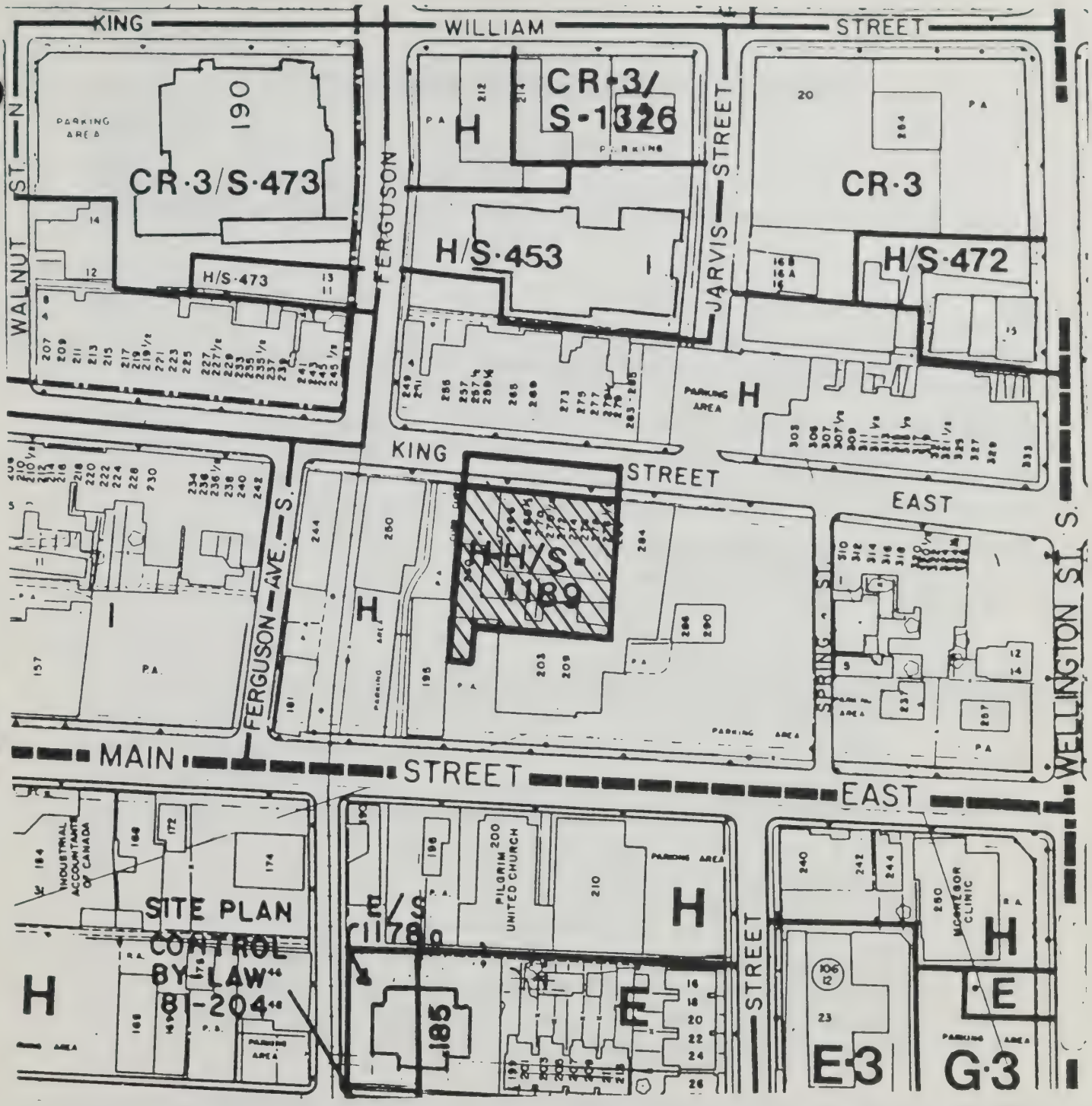
Furthermore, the Building Department has advised that the proposed site plan will require a variance to eliminate any required loading and manoeuvring space requirements for the subject lands. This variance is minor in nature and is supported by the Regional Environment Department and the Department of Public Works and Traffic Department. The development will be serviced by curb side loading and off loading on King Street.

With respect to the proposed landscape design it appears that the plan does not consider roof-top construction. It is therefore recommended that a Landscape Architect prepare the plans and the landscape for this proposal. Furthermore, in light of the future redevelopment of the King Street road allowance, it is recommended that the landscape treatment within the property boundaries along King Street be coordinated with the works proposed by the Department of Public Works and Traffic (See Appendix "E"). Therefore, it is recommended that a revised site and landscape plan be submitted to the satisfaction of the Director, Planning and Development Department.

CONCLUSION:

Subject to the above, the proposed development is satisfactory.

JL/jl



Legend

Site of the Application

City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	DA-96-29
	Date	Drawn By
	FEBRUARY, 1998	B. B.

APPENDIX A

OCT 2 3 1997

REGIONAL ENVIRONMENT DEPARTMENT

MEMORANDUM

****

TO: V.J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

YOUR FILE: DA-96-29

FROM: C. A. Unelli, C.E.T.
Development Co-ordinator
Regional Environment Department

OUR FILE: E220-0203
PHONE: (905) 546-4142

SUBJECT: **Site Plan Control Application DA-96-29 for 260-280 King Street East**

DATE: 1997 October 28

The revised grading plan submitted print dated September 22, 1997, will be approved with respect to grading when the following revisions have been dealt with.

(1) Based on the typical swale cross section provided, it is assumed that the areas between the proposed building and the east, west and south property line are to be asphalt. This being the case, the portions of the swale as indicated at 1.0 % are acceptable to our Department. However, if this area is to have an alternative surface treatment, ie. gravel, sod etc., a minimum 2.0 % slope should be provided.

(2) A portion of the swale adjacent to the north west corner of the proposed building and to the rear of the building have side slopes which are greater than our maximum allowable slope of 3:1. Please modify accordingly.

(3) The new concrete area adjacent to the north east corner of the building is less than our minimum slope of 1.0 % for concrete surfaces.

Cont'd...

**Site Plan Control Application DA-96-29
for 260-280 King Street East**

Cont'd...

(4) From a servicing perspective it may be difficult to locate both the proposed catch basin, at the north west corner of the building, and the sewer pipe necessary to service this catch basin and the catch basins to the rear of the site, due to the limited amount of space between the building and the property line. The applicant/owner therefore may wish to relocate this catch basin further to the south or north, where the distance between the building and the property line is greater.

The grading of this area should be modified accordingly to incorporate any changes.

The applicant/owner should be advised that a copy of the servicing drawings (final design) must be submitted to the Regional Environment Department for review prior to sewer and water permit application.

The following comments were received from the Regional Transportation Department, Roads Division.

(1) Since our last review of this site plan application in January, 1997, there have been changes to the parking regulations on King Street and a review of a preliminary concept plan for this section of King Street under the Regions Transportation Review of the Downtown Area. The PM Peak Hour No Stopping Anytime regulations on the south side of this section of King Street have been removed and parking is now available in the south curb lane during the day.

Section 4.3.1.19 of the Region's Official Plan requires that Area Municipalities include provision in all development plans for sufficient off-street loading/unloading and parking for all new development adjacent to Regional Roads. In reviewing the site plan, we have been advised that an 18.0 m loading space is required on the site. In previous development proposals, this loading space was provided but it required that trucks either had to back into or out of the loading space blindly across the King Street street line, as widened. In our opinion this proposal was not satisfactory and thus the lay-by concept was developed.

Cont'd...

**Site Plan Control Application DA-96-29
for 260-280 King Street East**

Cont'd...

We also understand that the Planning Department is trying to maintain a uniform building facade on King Street and that one of the proposals was to set the first floor back and then cantilever the remainder of the structure over the road widening to maintain the same building facade as adjacent development. The applicant has responded that this proposal has been deemed as too costly for the project.

The preliminary conceptual review of the roadway cross section of this section of King Street in the Region's Transportation Review of the Downtown Area indicates that two through lanes of traffic should be provided and the remainder of the road allowance could be used for loading, curb parking, transit, sidewalk and other pedestrian and streetscaping amenities, etc. This study has not been finalized or considered by either Regional or City Council but the proposed cross section on this section of King Street appears to conform to the overall traffic and planning objectives in this area.

Regional Council Policy stipulates that the minimum width of any Regional Road within the City shall be 20.12 m. The existing road allowance width of King Street is approximately 18.29 m. In accordance with this designation, a minimum 0.914 m road allowance widening is required to establish this width. This road widening is not required for the pavement widening of King Street but to provide for minimum 3.048 m municipal sidewalks within the road allowance. It is our opinion that a 3.048 m wide sidewalk is the minimum required to provide for pedestrian amenities in the Downtown Area.

Site Plan Control Application DA-96-29
for 260-280 King Street East

Cont'd...

Given the specific circumstances of this site with respect to lot area and the impracticality of providing adequate on-site loading and manuevering for tractor trailer design units, the uniqueness of development concepts for this site, the existing parking regulations on King Street, the fact that many developments within the Downtown Area have designated Loading Zones on Regional Roads and the preliminary conclusion of the Region's Transportation Study that the section of King Street will not be widened, we are prepared to support this specific site plan and the deletion of the proposed Lay-by previously required for this development subject to the following conditions:

i) That as a condition of site plan approval the applicant/owner dedicate a 0.914 m road allowance widening to the Region along the entire frontage on King Street.

ii) That the location of the underground parking garage be revised to be shown on private property only, outside the limits of King Street, as widened.

iii) That all encroachments, such as railings, balconies, canopies be on private property only, outside the King Street road allowance limits, as widened. Further we require that all doors be designed such that they do not swing out onto the King Street road allowance, as widened.

iv) That the site plans be revised to provide for access locations and 3 m by 3 m visibility triangles between the widened street line and the accesses to the satisfaction of the Region's Transportation Department and the City of Hamilton Department of Public Works and Traffic.

v) That the development of this property include a requirement that the existing municipal sidewalk on the south side of King Street be widened to the south limits of the King Street road allowance limits, as widened. This sidewalk must be constructed to the same texture and elevation as the existing adjacent municipal walk.

Cont'd...

Site Plan Control Application DA-96-29
for 260-280 King Street East

Cont'd...

vi) That the applicant/owner provide a letter to the Region's Transportation Department which indicates that they have no objection to the removal of the metered on-street parking and the designation of a Loading Zone on the south side of King Street, adjacent to this development.

It may be appropriate to meet with the Planning staff and the applicant/owner to discuss these matters, the reduced road widening requirements, the access locations, etc.

If there are any queries with respect to the Roads Division comments please contact Mr. H. Groen at 546-4278. Otherwise Mr. D. Waddell will be able to respond to grading and drainage issues.

Charles A. Unelli

Charles A. Unelli, C.E.T.
Development Co-ordinator

DWW:HG:dww
DWW

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REGIONAL TRANSPORTATION DEPARTMENT

ROADS DIVISION

MEMORANDUM

****

TO: V.J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

YOUR FILE: DA96-29

FROM: E. M. Gill
Senior Director
Roads Department

OUR FILE : E220-0203

PHONE: 546-4300
FAX: (905) 546-2870

SUBJECT: **Site Plan Control Application**
DA 96-29 - 260 to 280 King East
City of Hamilton

DATE: 1998 February 9

We have reviewed the draft report to the City of Hamilton Planning and Development Committee for the above site plan application and submit the following comments:

1. In our previous comments we stated that the facia, flashing, door trim and balconies, etc. were to be on private property only and not encroach into the King Street road allowance, as widened. Unless there are other mitigating circumstances we are not aware of our previous recommendation still applies and recommendation A(iv) and the text on Page 3 must be revised accordingly.

   We will consider the encroachment of canopies or marquees into the King Street road allowance, as widened, provided the applicant/owner enters into the appropriate agreements with the Region.

2. The following recommendation must be added:

   "That prior to the issuance of a Building Permit, the applicant/owner must enter into an Encroachment Agreement with the Region of Hamilton-Wentworth for the portion of the underground footings, underground parking garage and/or underground foundation walls, etc. which will encroach into the 0.914m strip of land to be dedicated to the Region for the road allowance widening of King Street."

3. The first two items on Page 4 refer to conditions that the applicant must comply with should the layby on King Street be approved. Based on the fact that the layby will likely be 3.0m in width and the fact that the existing curb is approximately 2.7m from the

continued...

APPENDIX 'B' CONT'D

Site Plan Control Application DA 96-29
No. 260 to 280 King Street East
City of Hamilton

continued...

present property line, the road widening will vary from 0.914m to 3.4m. This would provide for a 3.048m municipal sidewalk around the proposed lay-by.

We recommend the following text amendments for the beginning of Page 4:

"However should the Committee recommend that a layby be constructed adjacent to the existing south curb of King Street in conjunction with this development approval, we recommend that the following conditions of site plan approval be added:

i) That the applicant/owner make application to and receive Regional Council approval to construct a lay-by within the King Street East road allowance, as widened. This layby, if approved, will require an agreement with the Region.

ii) That the applicant/owner dedicate sufficient lands to the Region for the road widening of King Street varying from 0.914m in depth to 3.40m in depth. This is required to establish a minimum 3.048m municipal sidewalk around the lay-by."

iii) That prior to the issuance of a Building Permit, the applicant/owner must enter into an Encroachment Agreement with the Region of Hamilton-Wentworth for the portion of the **underground parking garage** which encroaches into the King Street road allowance, as widened."

4. Any references in the report which refer to comments of the " Regional Environment Department" must be changed to include "Regional Environment Department and Regional Transportation Department".

Should you require further information on these matters please contact myself at 546-4300 or Harold Groen of this Office at 546-4278.

HNG

cc: Eugene Chajka, Environment Department
cc: Roland Karl, Traffic Division

DEPARTMENT OF PUBLIC WORKS AND TRAFFIC
City of HAMILTON

TRAFFIC DIVISION
1st Floor, 71 Main Street West, Hamilton, Ontario, L8N 3T4
Tel. (905) 546-4510 / Fax (905) 546-2419

1997 December 10

Lorne Haverty Ltd. Architect
276 Main Street West
Hamilton, Ontario
L8P 1J8

Dear Sir:

Re: DA 96-29 - Revised
260-280 King Street East

In response to your letter of 1997 November 19, please be advised that we have reviewed the revised plans regarding the above application and provide the following comments.

It is stated in your letter that a minimum of 8.1 m is to be maintained between columns where three parking spaces are provided, however, the site plan and the floor plans have not been modified to show this separation. We recommend that the plans be modified accordingly.

It is stated that you will endeavour to move the columns away from the driveway, however, the site plan and floor plans show the columns in the same location relative to the driveway as shown in previous plans. We recommend that the plan be modified accordingly.

It is also stated that the security lock position is shown on the revised plan, however, our review indicates that it is not shown on the revised plan.

The overhead doors are shown on the ground floor plan but are not shown on the revised site plan. We recommend that the site plan be modified accordingly.

We recommend that the proposed lay-by on King Street be deleted and the existing municipal sidewalk remain.

We approve the revised location of the access in principle, but the applicant should be advised that an application must be made to the Traffic Division, Department of Public Works and Traffic for a Driveway Approach Approval, the detailed design of which will be prepared by this Department. A copy of the approved plan must be submitted. The plan should accurately indicate the location of the existing curbs and all street fixtures which may affect location, i.e. poles, fire hydrants, trees, etc. The administrative fee for the preparation of the Driveway Approach Approval is $56.90.

APPENDIX C

It should be noted that as a condition of approval of all Driveway Approach Approvals, all closed approaches are to be removed and the sidewalks and boulevards restored at the expense of the applicant.

Should you require any additional information, please contact Bill Ferguson at 546-4575.

Yours truly,

Roland Karl, P. Eng.
Manager of Traffic Planning

BF/kg

c.c. Harold Groen, Roads Division
Paul Mallard, Planning Department

BUILDING DEPARTMENT
71 Main Street West, Hamilton, Ontario L8P 4Y5
Telephone (905) 546-2720 / Fax (905) 546-2764

City of HAMILTON

FILE: DA-96-29
ATTENTION OF C. Hey
TELEPHONE NO: (905) 546-4675

October 10, 1997

PRESENT ZONING: H-"H"/S-1189

OCT . 1 4 1997

Mr. V. J. Abraham, M.C.I.P.
Director
Planning and Development Department
c/o Chief Administrative Office

Attention: Joe Lakatos

Dear Joe:

RE: DA-96-29
260 - 280 KING STREET EAST

The above, under cover of your letter dated September 25, 1997, has been examined.

COMMENTS:

1. As per amending By-Law 93-168, the only commercial uses permitted are those listed in the "CR" Districts. The specific commercial use(s) have not been identified and compliance can not be determined.

2. The use of the floor area occupied by other than dwelling units on the third floor is not specifically identified. If these areas are amenity areas and/or communal areas, they should be identified as such and they must be accessory to and exclusively devoted to the dwelling units in the proposed multiple dwelling.

3. The proposed canopies and balconies are not permitted to encroach over the front or side lot lines. The proposed balconies must provide a minimum setback of 6.5m to the rear lot line.

4. The maximum permitted gross floor area of the building is 13,442.2 square metres. No dimensions have been provided in order to determine compliance.

Continued on Page Two .....

APPENDIX D

5. A minimum landscaped area of 600.0 square metres is required to be provided. No dimensions have been provided in order to determine compliance.

6. The parking spaces shown must provide the minimum required dimension of 2.7m x 6.0m and their respective manoeuvring spaces must be at least 6.0m in length and the access driveways shown must be at least 5.5m wide. All of the above noted items must be free and clear of any obstructions (columns, support structures, etc.). No dimensions have been provided in order to determine compliance.

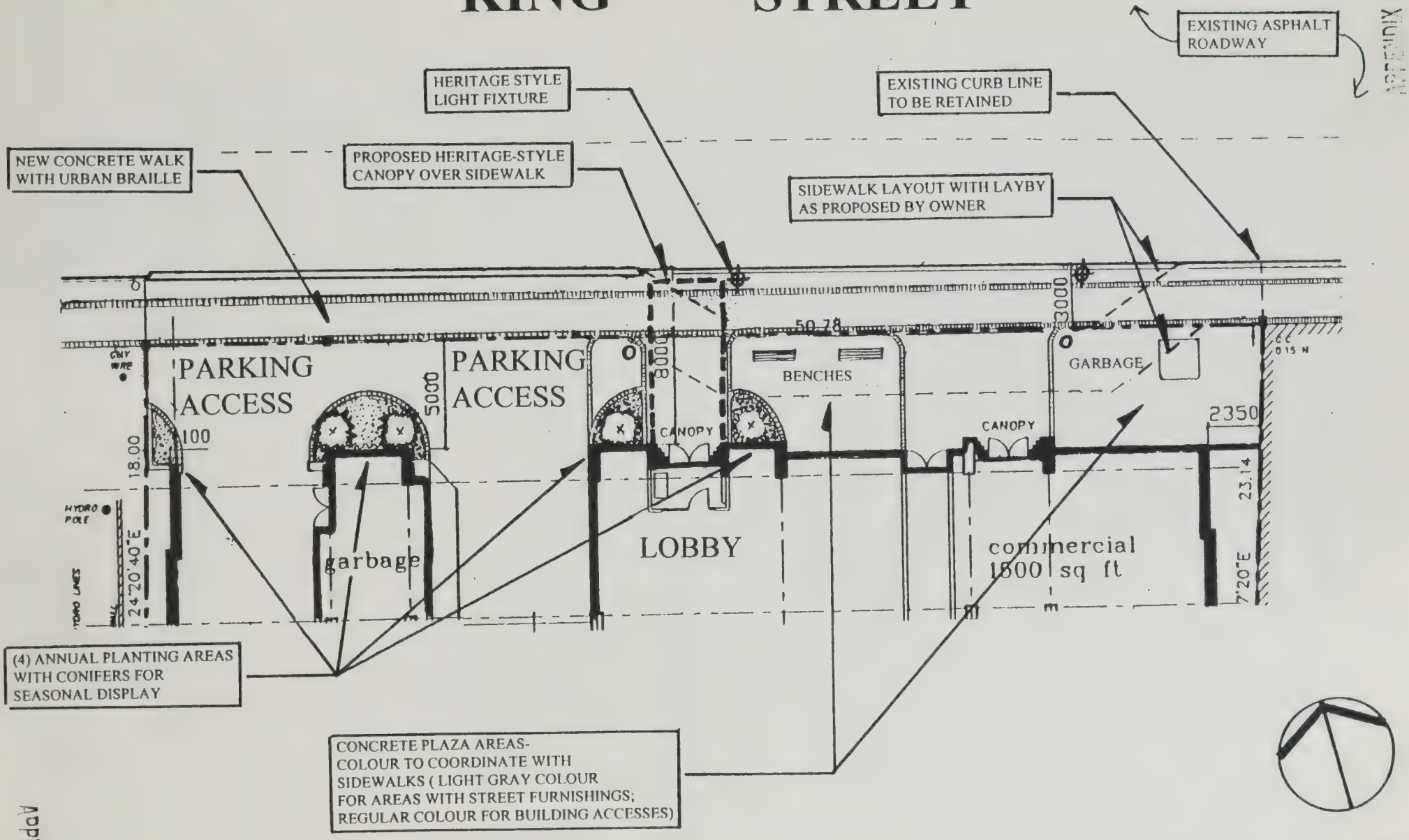
Yours truly

Christine Lee

for the Building Commissioner

CH/zr

KING STREET



APPENDIX E

APPENDIX E

City of HAMILTON

Project: **260 KING ST. E**

Title: **STREETSCAPE CONCEPT**

Date: Jan.20, 1998

Scale: not to scale

Dwg. No.

7(a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 January 8

REPORT TO: Ms. Stella Glover, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J.G. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Planning and Development Department
1998 - 2007 Provisional Capital Budget

RECOMMENDATION:

a) That the attached capital projects from the Planning and Development Department be considered for inclusion in the ten year 1998 - 2007 Provisional Capital Budget Program; and,

b) That these capital projects be reviewed by the Corporate Management Team for consideration by the Committee of the Whole and City Council.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

To be reviewed by the Management Team for consideration of the Committee of the Whole and City Council.

BACKGROUND:

The following is a list of Capital Budget submissions for the consideration in the 1998 - 2007 Provisional Capital Budget, by the Planning and Development Department related to work of the Committee. (A summary list and a detailed submission forms are attached).

1.0 Downtown Projects

A number of downtown issues are included in the "Restore the Core" Plan and funding, and are being submitted to the Transport and Environment Committee as part of the broader funding package. Attached is a copy of this report. The following is a list of those initiatives that fall under the jurisdiction of the Planning and Development Committee.

a) Downtown Secondary Plan

The purpose of this study is to prepare and have adopted by Council a plan for downtown Hamilton that includes goals, actions, policies and implementation of the direction for the downtown. The last plan for the Central Area (which included six neighbourhoods) was completed in 1988. The nature of the work, economy, land market, and retail shopping have changed substantially since that time. This plan will bring together visions, initiatives and actions for the downtown into one comprehensive plan.

It is proposed that this plan is to start in 1998 and be completed in 1999. The cost of the study will be at $165,000, which is now requested for 1998.

b) Tax Incentive Program for Designated Downtown Buildings

One barrier for the redevelopment of downtown buildings is the increased taxes associated with building improvements. In order to encourage the rehabilitation of historically designated buildings in the downtown, it is proposed that a grant program be initiated to refund the amount of additional new taxes for building improvements.

This could encourage the rehabilitation of such key downtown buildings as the Lister Block, Victoria Hall and the Tivoli Theatre. This program can be perceived as a win-win strategy as only funds equal to the increased taxes are given out. If no rehabilitation occurs, no funds are dispersed.

It is proposed that the tax incentive grants be provided for a temporary period. Total funds requested are $400,000 to be distributed starting in 1999 to 2005. Details of the program will be prepared in 1998 and brought forward to the Planning and Development Committee for approval (see attached report).

c) Core 2000 Program

In 1997, the Restore the Core budget submission featured, among many other programs, a facade improvement program for downtown buildings known as the Gore Heritage 2000 Program. It was the intention of this program to provide a budget of $200,000 per year for three years with the goal of bringing back to its full potential the aging commercial building stock in the downtown.

The first phase of this program began in 1997 for the Gore area only (King St. East from James St. to Catharine St.). The program offered property owners in the Gore a maximum of $20,000 per building for facade improvement projects, as identified in the Gore Heritage Design Study. Matching funding was made available for: (1) upper facade restoration; (2) storefront renovation, including awnings; and (3) new commercial signage, in accordance with established principles of good signage.

Although the Gore Heritage 2000 Program was in place for approximately five months, the program has successfully attracted nearly 50% of the building owners whose buildings were in need of improvement. The full impact of these rehabilitation projects will begin to show later in 1998.

The proposal is to extend the Gore Heritage 2000 (Facade Improvement) Program to all eligible properties within the Downtown boundaries (Queen St. to Cannon St. to Victoria Ave. to Hunter St.). The program will be known as the Core Heritage 2000 with the funding of $200,000 to be a component in the 1998 Restore the Core Budget. A report on the revised program will be forwarded to the Planning and Development Committee shortly.

2.0 Brownfields Redevelopment Task Force

"Brownfields" is a general term used to describe abandoned, idle or under-used industrial/commercial buildings in built-up urban areas. Based on the experiences of other urban municipalities and the fact that these lands represent a supply of serviced urban lands, a strategy for redevelopment is needed. Through a joint City/Regional initiative, an inventory of brownfield lands has been created by a staff steering committee. It is now proposed that a Task Force be created with Community Stakeholders to develop a strategy for the redevelopment of the Brownfields.

The study is proposed to be undertaken in 1998 and completed in 1999. Total costs are estimated at $120,000 which will be cost shared 50/50 with the Region, resulting in a City commitment of $60,000. This project has not previously been included in the Capital Budget Program.

A detailed Terms of Reference outlining the scope and activities of the Brownfields Redevelopment Task Force will be prepared shortly. It is anticipated the Task Force will fulfil the following objectives:

i) To formulate a strategy or plan of action that would facilitate the redevelopment of brownfield locations in Hamilton;

ii) To share knowledge, insight and experience on the constraints and concerns affecting brownfield locations in Hamilton and their potential for redevelopment;

iii) Undertake additional quantitative research on identifying other potential brownfield locations in Hamilton; and,

iv) To define and prioritize a specific area(s) within Hamilton for brownfields redevelopment.

3.0 St. Mark's Centre

The rehabilitation and reuse of St. Mark's Church is seen as another key initiative for the redevelopment of the downtown. However, as this relates to a Parks and Recreation use, this submission has been forwarded to that Committee for review. This project has been ranked as Department priority #2.

4.0 Neighbourhood Plan Review Program - Lower City

With the current neighbourhood planning staff available, the Department is only able to undertake a maximum of one neighbourhood plan review per year. This proposal allows for the acceleration of this program with the doubling of neighbourhood plan reviews over the next ten years. In 1998, it is proposed that neighbourhood plan reviews be undertaken in the Parkview East and West Neighbourhood and Central Neighbourhood.

The total cost of the program is $650,000, $65,000 over each of the next ten years. This program was rated outside the 10 year plan in last year's approved Capital Budget Program.

5.0 Future Official Plan Review

Similar to the current Official Plan review which is presently ongoing, the future review will encompass changes that have occurred in planning over the previous five years.

This review has been identified to start in the year 2003 and completed in 2005 for a total cost of $250,000. The intent of this Capital Budget Submission is to identify the Planning and Development Department's responsibility to review the Official Plan in accordance with the Planning Act.

Funding for this project was allocated to start in 2003 in the approved 1997 Capital Budget.

6.0 Property Acquisition Program - Stapleton Enclave

With City purchase of 571 and 555 Kenilworth Avenue North, it is possible that the other remaining residential properties in the Stapleton Enclave will also request City purchase. The intent would be to eliminate incompatible residential uses which would be sold for industrial use.

The program would allow for the purchase of 4 residential properties requiring a total budget of $380,000, of which approximately $100,000 is expected to be recovered through the sale of the lands for industrial purposes. It is proposed that the program be undertaken in 2005.

This program was scheduled to begin in 2005 in the approved 1997 Capital Budget Program.

7.0 Property Acquisition Program - Alpha East Enclave

The Planning and Development Committee, at its meeting of June 24, 1992, adopted the recommendations of the Planning and Development Department:

a) to retain the INDUSTRIAL zoning and designation in the Official Plan; and,
b) abandon the acquisition program with the exception of the remaining eleven properties in the Alpha East Enclave. The properties in Alpha East would be acquired on a willing buyer/willing seller basis.

The aim of the program is to remove incompatible residential properties and then sell the lands for industrial purposes. The residential properties to the west and north (Alpha West) were purchased in the 1980's and sold to industry. In this regard, the Alpha East enclave was most affected by the former acquisition program.

In the 1994, 1995, 1996, and 1997 Capital Budget process, funding for this program was allocated outside the ten year Capital Budget. The Department is requesting the same amount of funding ($1,300,000 gross) to be placed in the Capital Budget for the 1999 and 2000 Capital Budget years.

8.0 Other Capital Budget Submissions

A joint submission with the Building Department for "Digital Imaging of Zoning Maps", has been prepared which will allow for the computerization of all maps, thereby reducing staffing requirements, increasing efficiencies and providing the public with a higher level of service. Initial costs will be offset by long term staff reductions. This submission is included with the Building Department's Capital Budget Submissions.

CONCLUSION

It is proposed that these submissions be forwarded to Management Team for review and presentation to the Committee of the Whole, for its consideration.

BJ:fd

The Corporation of the City of Hamilton

1998–2007 Provisional Capital Budget Program

Schedule "A"

Projects By Department

(Thousands of Dollars)

First Draft

PROJ NO. (1)	DEPT (2)	PROJECT DESCRIPTION (3)	PROJECT START (4)	PROJECT FINISH (5)	GROSS COST (6)	RECEIPTS SUBSIDY (7)	NET FINANCING (City's Cost) 1998 (8)	1999 (9)	2000 (10)	2001 (11)	2002 (12)	2003 (13)	2004 (14)	2005 (15)	2006 (16)	2007 (17)	NATURE OF FUNDING (18)	Annual DEBT Charges (19)	Annual Operating COST (20)
		PLANNING & DEVELOPMENT 16-12-97																	
209.0	PLAN	BROWNFIELDS REDEVLOPMENT TASK FORCE	1998	1999	120	60	30	30											
210.0	PLAN	ST. MARK'S CENTRE	2003	2004	100							35	65						
211.0	PLAN	NEIGHBOURHOOD PLAN REVIEW PROGRAM – LOWER CITY	1998	1998	65		65												
211.1	PLAN	NEIGHBOURHOOD PLAN REVIEW PROGRAM – LOWER CITY	1999	1999	65			65											
211.2	PLAN	NEIGHBOURHOOD PLAN REVIEW PROGRAM – LOWER CITY	2000	2000	65				65										
211.3	PLAN	NEIGHBOURHOOD PLAN REVIEW PROGRAM – LOWER CITY	2001	2001	65					65									
211.4	PLAN	NEIGHBOURHOOD PLAN REVIEW PROGRAM – LOWER CITY	2002	2002	65						65								
211.5	PLAN	NEIGHBOURHOOD PLAN REVIEW PROGRAM – LOWER CITY	2003	2003	65							65							
211.6	PLAN	NEIGHBOURHOOD PLAN REVIEW PROGRAM – LOWER CITY	2004	2004	65								65						
211.7	PLAN	NEIGHBOURHOOD PLAN REVIEW PROGRAM – LOWER CITY	2005	2005	65									65					
211.8	PLAN	NEIGHBOURHOOD PLAN REVIEW PROGRAM – LOWER CITY	2006	2006	65										65				
211.9	PLAN	NEIGHBOURHOOD PLAN REVIEW PROGRAM – LOWER CITY	2007	2007	65											65			
212.0	PLAN	OFFICIAL PLAN REVIEW	2003	2005	250							250							
213.0	PLAN	PROPERTY ACQUISITION PROGRAM – STAPLETON ENCLAVE	2005	2005	380	100								280					
214.0	PLAN	PROPERTY ACQUISITION PROGRAM – ALPHA EAST ENCLAVES	1999	2000	1,300	155		500	645										
		Sub-total Planning & Development (Net City Costs 2,485)			2,800	315	95	595	710	65	65	350	130	345	65	65		0	0
		1997–2006 Capital Budget			818	*100*	*0*	*0*	*0*	*0*	*0*	*343*	*0*	*375*	*0*	*0*			
		Planning & Development: Over/(Under)			*1,982*	*215*	*95*	*595*	*710*	*65*	*65*	*7*	*130*	*(30)*	*65*	*65*			

The Corporation of the City of Hamilton

1998-2007 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

1. **DEPARTMENT/LOCAL BOARD:** Planning and Development Department

2. **PROJECT SUMMARY:**
   (a) Name (max. of 45 characters) Brownfields Redevelopment Task Force
   (b) Type of Project Create a detailed strategy and implementation plan
   (c) Location Bayfront Industrial Area
   (d) Scope/Description of Work Coordinating and managing an inter-disciplinary Task Force comprised of individuals representing business, government and the environmental services sector. The key role of the Task Force is to formulate a strategy or plan of action that would facilitate the redevelopment of brownfield locations in the City of Hamilton.
   (e) Remarks Brownfield redevelopment makes more effective use of a *municipality's infrastructure. Bringing brownfields into productive use will increase the assessment base and act as a catalyst for other initiatives.*

3. **REFERENCE TO RELATED PROJECTS:**
   (a) Submitting Department _____
   (b) Project Name _____
   (c) Start Year
   (d) Net City Cost $ _____

4. **DEPARTMENT PRIORITY ORDER:** # 1 of 6

5. **PROJECT JUSTIFICATION ("Yes" or "No"):**

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	yes
(b)	HEALTH/SAFETY/ENVIRONMENT	yes
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	no
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	no
(e)	ECONOMIC DEVELOPMENT	yes
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	no
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	no
(h)	GROWTH RELATED PROJECT	no

Describe Justification:
A brownfield location becomes vacant or under-used primarily as a result of economic factors. Redeveloping brownfield locations is important as it is more cost effective for Hamilton to develop lands that have municipal services already in place and an under-utilized site "brought back to life" contributes to the vitality, safety and productivity of a neighbourhood. This work is the second and final phase of the policy research efforts undertaken by City and Regional staff.

6. **FEASIBILITY STUDY:**
   (a) START DATE (YEAR) _____
   (b) COMPLETION DATE (YEAR) _____
   (c) GROSS COST $ _____

7. **PROJECT:**
   (a) START DATE (YEAR) 1998
   (b) COMPLETION DATE (YEAR) 1999
   (c) GROSS COST (Start Year Dollars) $ 120,000
   (d) LESS PROVINCIAL SUBSIDIES (Describe nature of subsidy) $ _____
   (e) LESS OTHER RECEIPTS (Specify) Region of Hamilton-Wentworth share of project cost $ 60,000
   (f) NET CITY'S COST $ 60,000

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1998-2007 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER ____
(Treasury to complete)

8. NET EXPENDITURE BY YEAR:

- 1998	$ 30,000	- 2003	$
- 1999	$ 30,000	- 2004	$
- 2000	$	- 2005	$
- 2001	$	- 2006	$
- 2002	$	- 2007	$

9. ADDITIONAL ANNUALIZED NET OPERATING COSTS/(SAVINGS):

(a) Staffing $ _____
Building Operations & Maintenance $ _____
Other (specify) _____ $ _____

GROSS COST (All Inclusive) $ _____

(b) LESS RECOVERY/REVENUE (specify) _____ $ _____

(c) NET CITY'S COST $ 00

Note: Where amounts include operating cost & revenue estimates which impact other City departments, attach addendum breaking down estimates by department.

10. CAPITAL AND OPERATING ESTIMATE PREPARED BY:
(a) Project Manager's Name Director of Planning and Development
(b) Basis of assumptions Estimates based on calculation by the Department in conjuction with the Brownfield's Task Force

11. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET PROGRAM?
No X Yes _; if yes,

(a) PROJECT NO. (Per 1997-2006 Capital Budget Program) _____

(b) AT CITY'S COST OF $ _____

(c) SCHEDULED TO START IN THE YEAR _____

J Graham — Dec 15/97
Signature of Department Head/ Local Board Manager — *Date*

J Pavelka 97.12.15.

12. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes __ *No* __

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1998-2007 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

1. **DEPARTMENT/LOCAL BOARD:** Planning and Development Department

2. **PROJECT SUMMARY:**
   (a) Name (max. of 45 characters) St. Mark's Centre
   (b) Type of Project Building Renovation
   (c) Location 130 Bay Street South
   (d) Scope/Description of Work In 1993, the City purchased St. Mark's Church property for use as a park. The costs for upgrading the church structure into a multiple-use facility are based on the Condition Assessment Report (Oct. 1995) for St. Mark's, prepared by architect Alan Seymour. The structural assessment indicates that the building is in relatively good condition. In an effort to reduce costs to the City, discussions have taken place with an interested groups re: a cost-sharing approach to the renovation of the building: the tenant would undertake the interior renovation and all operating costs and the City would be responsible for the maintenance of the exterior structure and heating system, thereby reducing the costs to City to an estimated $100,000.
   (e) Remarks

3. **REFERENCE TO RELATED PROJECTS:**
   (a) Submitting Department Public Works
   (b) Project Name Restore the Core
   (c) Start Year 1998
   (d) Net City Cost $ _____

4. **DEPARTMENT PRIORITY ORDER:** # 2 of 6

5. **PROJECT JUSTIFICATION ("Yes" or "No"):**

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	yes
(b)	HEALTH/SAFETY/ENVIRONMENT	no
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	no
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	no
(e)	ECONOMIC DEVELOPMENT	no
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	yes
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	no
(h)	GROWTH RELATED PROJECT	no

Describe Justification:
St. Mark's Church is located at Hunter and Bay Sts. directly on the boundary of Hamilton's Downtown. The building stands as an architectural resource of over 5,000 sq. ft. of spacious, accessible accommodation suitable for use as a community facility: for meetings, church services, lectures/performances, exhibitions, social or health programs or other community uses. As a city-owned building, the City is in a position to enhance the quality of downtown living by making this building available for some community use.

6. **FEASIBILITY STUDY:** Completed 1995
   (a) START DATE (YEAR) _____
   (b) COMPLETION DATE (YEAR) _____
   (c) GROSS COST $ _____

7. **PROJECT:**
   (a) START DATE (YEAR) 2003
   (b) COMPLETION DATE (YEAR) 2004
   (c) GROSS COST (Start Year Dollars) $ 100,000
   (d) LESS PROVINCIAL SUBSIDIES (Describe nature of subsidy) _____ $ _____
   (e) LESS OTHER RECEIPTS (Specify) _____ $ _____
   (f) NET CITY'S COST $ 100,000

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1998-2007 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

8. NET EXPENDITURE BY YEAR:

- 1998	$	- 2003	$ 35,000
- 1999	$	- 2004	$ 65,000
- 2000	$	- 2005	$
- 2001	$	- 2006	$
- 2002	$	- 2007	$

9. ADDITIONAL ANNUALIZED NET OPERATING COSTS/(SAVINGS):

(a) Staffing $ _____
Building Operations & Maintenance $ _____
Other (specify) _____ $ _____

GROSS COST (All Inclusive) $ _____

(b) LESS RECOVERY/REVENUE (specify) _____ $ _____

(c) NET CITY'S COST $ 00

Note: Where amounts include operating cost & revenue estimates which impact other City departments, attach addendum breaking down estimates by department.

10. CAPITAL AND OPERATING ESTIMATE PREPARED BY:

(a) Project Manager's Name Director of Planning and Development
(b) Basis of assumptions The City's Parks and Recreation Committee approved a recommendation to investigate possible uses for St. Marks.

11. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET PROGRAM?
No X Yes _; if yes,

(a) PROJECT NO. (Per 1997-2006 Capital Budget Program) _____

(b) AT CITY'S COST OF $ _____

(c) SCHEDULED TO START IN THE YEAR _____

This project no. 205 was rated outside the 10 year plan

W. Thatcham — Dec. 15/97
Signature of Department Head/ Local Board Manager — *Date*

J. Pavelka 97.12.15.

12. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes __ *No* __

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1998-2007 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

1. **DEPARTMENT/LOCAL BOARD:** Planning and Development Department

2. **PROJECT SUMMARY:**
   (a) Name (max. of 45 characters) Neighbourhood Plan Review Program
   (b) Type of Project Improving quality of Lower City Neighbourhoods
   (c) Location Lower City
   (d) Scope/Description of Work Ongoing Neighbourhood Plan Reviews for the following Neighbourhoods: North End East and West, Parkview East and West, Blakely, St. Clair, Gibson, Landsdale Neighbourhoods, Kirkendall North and South.
   (e) Remarks As most of these plans are 20 years old, it is now time to revisit them. As current staff cannot undertake more than 1 plan a year, this is an accelerated program.

3. **REFERENCE TO RELATED PROJECTS:**
   (a) Submitting Department _____
   (b) Project Name _____
   (c) Start Year _____
   (d) Net City Cost $ _____

4. **DEPARTMENT PRIORITY ORDER:** # 3 of 6

5. **PROJECT JUSTIFICATION ("Yes" or "No"):**

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	yes
(b)	HEALTH/SAFETY/ENVIRONMENT	yes
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	no
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	no
(e)	ECONOMIC DEVELOPMENT	yes
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	no
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	no
(h)	GROWTH RELATED PROJECT	no

Describe Justification:
The City of Hamilton has a longstanding tradition of working with Neighbourhoods to undertake plans. These Neighbourhood Plans, developed through a comprehensive public participation process provide a guide for redevelopment, park and recreation issues, traffic, community and other key neighbourhood issues that cannot be adequately addressed on a City-wide basis.

6. **FEASIBILITY STUDY:**
   (a) START DATE (YEAR) n/a
   (b) COMPLETION DATE (YEAR) _____
   (c) GROSS COST $ _____

7. **PROJECT:**
   (a) START DATE (YEAR) 1998
   (b) COMPLETION DATE (YEAR) 2007
   (c) GROSS COST (Start Year Dollars) $ 650,000
   (d) LESS PROVINCIAL SUBSIDIES (Describe nature of subsidy) _____ $ _____
   (e) LESS OTHER RECEIPTS (Specify) _____ $ _____
   (f) NET CITY'S COST $ 650,000

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1998-2007 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER ____
(Treasury to complete)

8. **NET EXPENDITURE BY YEAR:**

- 1998	$ 65,000	- 2003	$ 65,000
- 1999	$ 65,000	- 2004	$ 65,000
- 2000	$ 65,000	- 2005	$ 65,000
- 2001	$ 65,000	- 2006	$ 65,000
- 2002	$ 65,000	- 2007	$ 65,000

9. **ADDITIONAL ANNUALIZED NET OPERATING COSTS/(SAVINGS):**

(a) Staffing $ n/a
Building Operations & Maintenance $ ____
Other (specify) ____ $ ____

GROSS COST (All Inclusive) $ ____

(b) LESS RECOVERY/REVENUE (specify) ____ $ ____

(c) NET CITY'S COST $ 00

Note: Where amounts include operating cost & revenue estimates which impact other City departments, attach addendum breaking down estimates by department.

10. **CAPITAL AND OPERATING ESTIMATE PREPARED BY:**

(a) Project Manager's Name Director of Planning and Development
(b) Basis of assumptions Calculation based on Departmental Study Designs and staffing requirements for undertaking a neighbourhood plan. (see attac[illegible]

11. **WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET PROGRAM?**
No _ Yes X; if yes,

(a) PROJECT NO. (Per 1997-2006 Capital Budget Program) 180.0

(b) AT CITY'S COST OF $ 475,000

(c) SCHEDULED TO START IN THE YEAR 2005

This project no. 183.9 was rated outside the 10 year plan.

Signature of Department Head/ Local Board Manager

Dec. 15/97
Date

97.12.15.

12. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: ____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes __ *No* __

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ ____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ ____

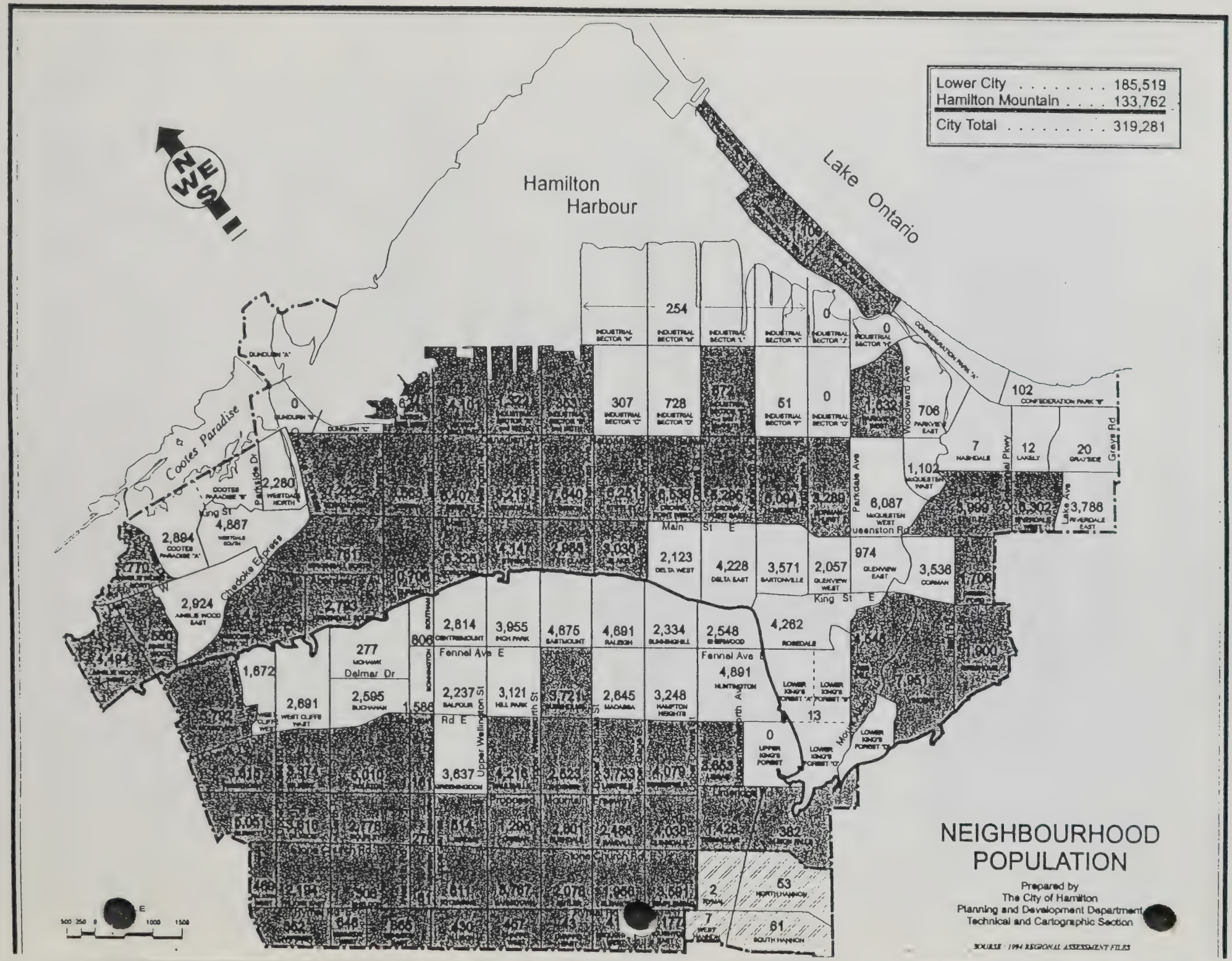
Note: all amounts rounded to the nearest thousand dollars

10 YEAR NEIGHBOURHOOD PLANNING PROGRAM

In Hamilton, there are a total of 127 Neighbourhoods, of which 73 have approved neighbourhood plans. With the current neighbourhood staffing complement the Department is able to undertake a maximum of one plan review per year. Additional staff will allow the Department to undertake 2 plan reviews, thereby doubling one current program. Below is a proposed review program for the next 10 years. This program is to be reviewed and revised annually based on redevelopment measures.

Year	Neighbourhood
1998	Parkview East and West, Central
1999	North East and West, Southam
2000	Gibson, Blakely
2001	Landsdale, St. Clair
2002	Kirkendall North and South, Crown Point East and West
2003	Strathcona*
2004	Keith and McAnulty
2005	Homeside and Durand
2006	Ainslie Wood (East, West and North)
2007	Beasley and Corktown

* Official Plan Review to be undertaken


Lower City 185,519
Hamilton Mountain 133,762
City Total 319,281
Hamilton Harbour
Lake Ontario
Cootes Paradise
Chedoke Expressway
Queenston Rd
King St E
Main St E
Fennel Ave E
Mohawk Rd E
Stone Church Rd
Upper Wellington St
Parkdale Ave
Woodward Ave
Greys Rd
NEIGHBOURHOOD POPULATION
Prepared by
The City of Hamilton
Planning and Development Department
Technical and Cartographic Section
SOURCE : 1994 REGIONAL ASSESSMENT FILES

The Corporation of the City of Hamilton

1998-2007 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

1. **DEPARTMENT/LOCAL BOARD:** Planning and Development Department

2. **PROJECT SUMMARY:**
   (a) Name (max. of 45 characters) Official Plan Review
   (b) Type of Project
   (c) Location
   (d) Scope/Description of Work
   To review the City's Official Plan to ensure the goals, objectives and policies remain current to the Planning intentions of the City in accordance with the requirements of the Planning Act. The City's Official Plan is required to be reviewed every 5 years. The current review is expected to be completed in 1998.
   (e) Remarks

3. **REFERENCE TO RELATED PROJECTS:**
   (a) Submitting Department
   (b) Project Name
   (c) Start Year
   (d) Net City Cost $

4. **DEPARTMENT PRIORITY ORDER:** # 4 of 6

5. **PROJECT JUSTIFICATION ("Yes" or "No"):**

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	yes
(b)	HEALTH/SAFETY/ENVIRONMENT	yes
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	yes
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	no
(e)	ECONOMIC DEVELOPMENT	no
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	no
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	no
(h)	GROWTH RELATED PROJECT	no

Describe Justification:
The Official Plan provides the City with the overall planning direction for Hamilton. In addition, a five year review of the Official Plan is a legislative requirement of the Province.

6. **FEASIBILITY STUDY:**
   (a) START DATE (YEAR)
   (b) COMPLETION DATE (YEAR)
   (c) GROSS COST $

7. **PROJECT:**
   (a) START DATE (YEAR) 2003
   (b) COMPLETION DATE (YEAR) 2005
   (c) GROSS COST (Start Year Dollars) $ 250,000
   (d) LESS PROVINCIAL SUBSIDIES (Describe nature of subsidy) $
   (e) LESS OTHER RECEIPTS (Specify) $
   (f) NET CITY'S COST $ 250,000

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1998-2007 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER ____
(Treasury to complete)

8. **NET EXPENDITURE BY YEAR:**

- 1998	$	- 2003	$ 250,000
- 1999	$	- 2004	$
- 2000	$	- 2005	$
- 2001	$	- 2006	$
- 2002	$	- 2007	$

9. **ADDITIONAL ANNUALIZED NET OPERATING COSTS/(SAVINGS):**

(a) Staffing $ n/a
Building Operations & Maintenance $
Other (specify) $

GROSS COST (All Inclusive) $

(b) LESS RECOVERY/REVENUE (specify) $

(c) NET CITY'S COST $

Note: Where amounts include operating cost & revenue estimates which impact other City departments, attach addendum breaking down estimates by department.

10. **CAPITAL AND OPERATING ESTIMATE PREPARED BY:**

(a) Project Manager's Name Director of Planning and Development
(b) Basis of assumptions Based on costs incurred for the current Official Plan Review

11. **WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET PROGRAM?**
No _ Yes X; if yes,

(a) PROJECT NO. (Per 1997-2006 Capital Budget Program) 179.0

(b) AT CITY'S COST OF $ 250,000

(c) SCHEDULED TO START IN THE YEAR 2003

Signature of Department Head/ Local Board Manager

Dec. 15/97
Date

97.12.15.

12. ***FUNDING (Treasury Department To Complete):***

(a) NATURE OF PROPOSED FINANCING:

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes __ *No* __

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1998-2007 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

1. **DEPARTMENT/LOCAL BOARD:** Planning & Development Department / C.A.O.

2. **PROJECT SUMMARY:**
   (a) Name (max. of 45 characters) Property Acquisition Program - Stapleton Enclave
   (b) Type of Project
   (c) Location area bounded by Burlington, Kenilworth, Beach, and Stapleton
   (d) Scope/Description of Work Removal of remaining owner occupied 4 residential properties in the Stapleton Enclave. Acquired land to be sold to industry.

   (e) Remarks The resurrection of Stapleton Acquisition Program resulted from Council's decision to acquire 571 Kenilworth Avenue North and 555 Kenilworth Avenue North. An extension of this acquisition program would see the remaining 4 residential properties within the enclave acquired on a willing seller/willing buyer basis. Presently there are no additional requests for purchase of these homes.

3. **REFERENCE TO RELATED PROJECTS:**
   (a) Submitting Department
   (b) Project Name
   (c) Start Year
   (d) Net City Cost $

4. **DEPARTMENT PRIORITY ORDER:** # 5 of 6

5. **PROJECT JUSTIFICATION ("Yes" or "No"):**

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	yes
(b)	HEALTH/SAFETY/ENVIRONMENT	yes
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	no
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	no
(e)	ECONOMIC DEVELOPMENT	no
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	no
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	no
(h)	GROWTH RELATED PROJECT	no

Describe Justification:
The majority of the properties within this enclave are used for industrial or commercial purposes at the present time. The purchase of the properties would allow the residents of the area to move out of this industrial enclave, thereby improving the quality of life for these residents. Demolition of homes and the sale of these lands for industrial purposes will occur.

6. **FEASIBILITY STUDY:**
   (a) START DATE (YEAR) n/a
   (b) COMPLETION DATE (YEAR)
   (c) GROSS COST $

7. **PROJECT:**
   (a) START DATE (YEAR) 2005
   (b) COMPLETION DATE (YEAR) 2005
   (c) GROSS COST (Start Year Dollars) $ 380,000
   (d) LESS PROVINCIAL SUBSIDIES (Describe nature of subsidy) $
   (e) LESS OTHER RECEIPTS (Specify) when lands are recovered they will be sold for industrial use. $ 100,000
   (f) NET CITY'S COST $ 280,000

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1998-2007 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER ____
(Treasury to complete)

8. **NET EXPENDITURE BY YEAR:**

- 1998	$	- 2003	$
- 1999	$ 500,000	- 2004	$
- 2000	$ 645,000	- 2005	$
- 2001	$	- 2006	$
- 2002	$	- 2007	$

9. **ADDITIONAL ANNUALIZED NET OPERATING COSTS/(SAVINGS):**

(a) Staffing $ n/a
Building Operations & Maintenance $
Other (specify) $

GROSS COST (All Inclusive) $

(b) LESS RECOVERY/REVENUE (specify) $

(c) NET CITY'S COST $ 00

Note: Where amounts include operating cost & revenue estimates which impact other City departments, attach addendum breaking down estimates by department.

10. **CAPITAL AND OPERATING ESTIMATE PREPARED BY:**

(a) Project Manager's Name Director of Planning & Development and C.A.O.
(b) Basis of assumptions Estimates are based on costs for purchasing residential properties, demolitions, and resale as industrial use.

11. **WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET PROGRAM?**
No X Yes _; if yes,

(a) PROJECT NO. (Per 1997-2006 Capital Budget Program)

(b) AT CITY'S COST OF $

(c) SCHEDULED TO START IN THE YEAR

This project no. 181.0 was rated outside the 10 year plan.

J. Abraham — Dec 15/97
Signature of Department Head/ Local Board Manager — *Date*

J. Pavelka 97.12.15.

12. ***FUNDING (Treasury Department To Complete):***

(a) NATURE OF PROPOSED FINANCING:

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes __ No __

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $

Note: all amounts rounded to the nearest thousand dollars

PROPERTY ACQUISITION PROGRAM - STAPLETON ENCLAVE

BACKGROUND

- On July 8, 1997, City Council directed the Manager of Real Estate Division, City Clerk's Office to negotiate the purchase of the property at 555 Kenilworth Avenue North (H. Barron) based on compassionate grounds, condition of the building and location.

- On 1996 October 29, City Council approved the acquisition by the City of 571 Kenilworth Avenue North, being a single family residential property owned by Andrew R. Kay. That deal was to close on 1997 March 19 but was extended to 1997 June 27 to give the Kay's additional time to find another home. Due to past problems experienced by the Kay's related to air and noise pollution and sewer back-ups, etc., on 1996 June 25, City Council adopted Item 1 of the 11th Report of the Planning and Development Committee and subsection (b) stated; "that based on compassionate ground, condition of the building and location, and on the understanding that the owner, wishes to relocate, staff be requested to commence negotiations with the owner, Mr. A. R. Kay acquire the property at fair market value in accordance with the enclave program."

- In 1996 July, Helen Barron, the home owner within the same block residing at 555 Kenilworth Avenue North wrote to the City Solicitor expressing her desire to sell her property to the City after hearing of City Council's decision to purchase the Kay property.

- On 1997 March 18, Council approved the Fourth Report of the Committee of the Whole regarding the 1997 Capital Budget and the 1997-2006 Capital Forecast. The property acquisition program for the Stapleton Enclave was included in the 1997-2006 Provisional Capital Budget Program, scheduled for the year 2005.

- On August 26, 1997, City Council approved the acquisition of 555 Kenilworth Avenue North, for the purchase price of $69,000. An additional amount, to a maximum of $8,000, was also approved for demolition.

The Corporation of the City of Hamilton

1998-2007 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

1. **DEPARTMENT/LOCAL BOARD:** Planning & Development Department / C.A.O.

2. **PROJECT SUMMARY:**
   (a) Name (max. of 45 characters) Property Acquisition Program-Alpha East Enclave
   (b) Type of Project
   (c) Location Sherman Ave. N. and Imperial St.
   (d) Scope/Description of Work
   Removal of 13 residential properties in Alpha East Enclave. Acquired land to be sold to industry. This is a cost estimate for the existing acquisition program.

   (e) Remarks

3. **REFERENCE TO RELATED PROJECTS:**
   (a) Submitting Department
   (b) Project Name
   (c) Start Year
   (d) Net City Cost $

4. **DEPARTMENT PRIORITY ORDER:** # 6 of 6

5. **PROJECT JUSTIFICATION ("Yes" or "No"):**

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	Yes
(b)	HEALTH/SAFETY/ENVIRONMENT	Yes
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	No
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	No
(e)	ECONOMIC DEVELOPMENT	No
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	No
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	No
(h)	GROWTH RELATED PROJECT	No

Describe Justification:
The existing 13 residential uses are surrounded by industrial uses. The purchase of the residential properties would allow the residents of the area to move out of the industrial enclave, thereby, improving their quality of life.

6. **FEASIBILITY STUDY:**
   (a) START DATE (YEAR) n/a
   (b) COMPLETION DATE (YEAR)
   (c) GROSS COST $

7. **PROJECT:**
   (a) START DATE (YEAR) 1999
   (b) COMPLETION DATE (YEAR) 2000
   (c) GROSS COST (Start Year Dollars) $ 1,300,000
   (d) LESS PROVINCIAL SUBSIDIES (Describe nature of subsidy) $
   (e) LESS OTHER RECEIPTS (Specify) when lands are recovered they will be sold for industrial use. $ 155,000
   (f) NET CITY'S COST $ 1,145,000

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1998-2007 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

8. **NET EXPENDITURE BY YEAR:**

- 1998	$	- 2003	$
- 1999	$	- 2004	$
- 2000	$	- 2005	$ 280,000
- 2001	$	- 2006	$
- 2002	$	- 2007	$

9. **ADDITIONAL ANNUALIZED NET OPERATING COSTS/(SAVINGS):**

(a) Staffing $ _____
Building Operations & Maintenance $ _____
Other (specify) _____ $ _____

GROSS COST (All Inclusive) $ _____

(b) LESS RECOVERY/REVENUE (specify) _____ $ _____

(c) NET CITY'S COST $ n/a

Note: Where amounts include operating cost & revenue estimates which impact other Cit departments, attach addendum breaking down estimates by department.

10. **CAPITAL AND OPERATING ESTIMATE PREPARED BY:**

(a) Project Manager's Name Director Planning and Development and C.A.O.
(b) Basis of assumptions Estimates are based on costs for purchasing residentia properties, demolitions, and resale as industrial use.

11. **WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET PROGRAM?**
No _ Yes X; if yes,

(a) PROJECT NO. (Per 1997-2006 Capital Budget Program) 180.0

(b) AT CITY'S COST OF $ 475,000

(c) SCHEDULED TO START IN THE YEAR 2005

W. Graham — Dec. 15/97
Signature of Department Head/ Local Board Manager — *Date*

J. Pavelka 97.12.15.

12. ***FUNDING (Treasury Department To Complete):***

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes __ *No* __

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

Note: all amounts rounded to the nearest thousand dollars

BACKGROUND

History of the Stapleton Residential Enclave and Acquisition program

The original residential enclaves study was undertaken in 1968. Residential enclaves are pockets of residential uses surrounded by industrial lands. In addition, these enclaves aregenerally designated and zoned for INDUSTRIAL purposes, since the long term intent was to develop these areas for industrial uses. The intent of the study was to review each of the enclaves to determine if the industrial planning controls were still suitable or maybe some areas could be recognized for residential in the long term.

At that time, the City identified the Leeds, Biggar, Alpha and Stapleton Enclaves were not appropriate for residential uses and should be converted to industrial. The intent of the acquisition program was for the City to purchase these homes and then sell the land for industrial purposes.

In 1977, another major planning review was undertaken to determine if the priorities for acquisition were still justifiable. At that time, Stapleton was reaffirmed as a first priority for purchase.

In 1989, the City directed the Residential Enclave Acquisition program placed on hold until such time as the purchase of homes in the Alpha West enclave was completed. The basis for the decision was the ever increasing gap between the cost of purchasing residential land and selling it for industrial purposes.

In 1991, the Department was directed to undertake a third review of the long term land use of these areas as well as the purchase by the City of these lands. After extensive public participation by the affected residents and businesses, City Council, at its meeting of June 30, 1992, approved the recommendation to abandon the acquisition program for the Leeds, Biggar and Stapleton Enclaves (see attached background report).

In 1992, City Council approved the re-establishment of an acquisition program for the 11 remaining residential properties in the Alpha East enclave, on a willing seller/willing buyer basis. In addition, direction was given to staff to submit a capital budget form for this program in the 1993-2002 Capital Budget, for consideration. While the program is submitted every year, it remains outside the 10 year plan. A map of this area is attached.



DRAFT

"Restore the Core"

Downtown Hamilton Improvement Plan

Project Summary
January 1998

Regional Municipality of Hamilton-Wentworth

City of Hamilton

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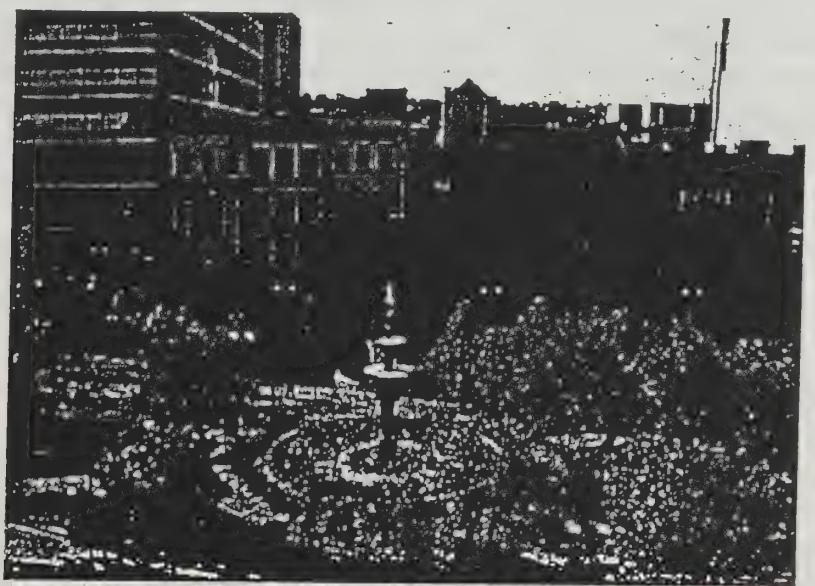
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1. Project Overview

Restore the Core – The Downtown Hamilton Improvement Plan is an initiative to create a revitalized Downtown. On March 18, 1997, City Council approved the Downtown Hamilton Improvement Plan, a multi-phased plan to improve various streets, alleys, building facades and provide special events in the Core. The study area includes King Street from Bay to Wellington, King William Street from James to Wellington, locations along Main Street from Bay to Wellington and all connecting north/south streets between Bay and Wellington. Improvements to Hess Street and the Farmers' Market will also be addressed in future phases.

Funding for Phase I construction was approved in 1997 and included King Street East from James to Mary Streets. Phase I has been successfully implemented and was completed in November 1997. The project team consisted of City and Regional staff as well as public and private representatives. All representatives contributed their skills and support and ensured a comprehensive approach for Phase I was achieved. A heritage theme was incorporated throughout the project based on the success and acceptance of the recent development of Gore Park and the Sesiquicentennial Fountain project. From conceptual design to implementation and construction, the inter-agency involvement was key to the success of this project.



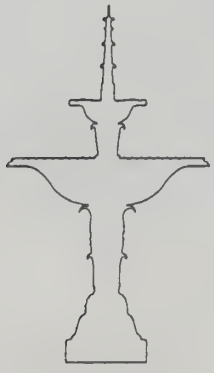
An aerial view of the redeveloped Gore Park featuring the fountain, textured concrete sidewalks and horticultural enhancements including tree planting and floral planting beds.

Advancing Phase II for implementation in 1998 is critical as the project has momentum and stakeholders are supportive. Involvement of the stakeholders throughout the process is crucial to alleviate concerns related to construction scheduling and the impact on local businesses and coordination of a broad scope of work. By adopting a consistent approach for all sidewalk surfacing, street furnishings, lighting and plantings, Hamilton's Core will attain a unique "sense of place" fitting a City rich in heritage.

Phase I has been successfully implemented and includes the following:

- removal of existing paving brick sidewalks and installation of textured concrete sidewalks featuring urban braille
- new street furnishings including benches, tourist directional signage, and litter containers
- installation of custom street lighting fixtures using a metal halide lighting source
- electrical upgrades to facilitate seasonal displays and special events
- infrastructure for future special event programming
- horticultural enhancements including tree planting, floral planting beds, and hanging baskets

Phases II – VI will also include these components. A description of the components found in each phase is highlighted in section "2. – Project Components" of this report. A summary of project descriptions by phase is highlighted in section "9. – Project Description by Phase". Design criteria, the Core Heritage 2000 Program, special events and attractions, public art initiatives, parking issues and proposed work by the Region are also highlighted in this report.



The design strategy used in "Restore the Core" Phase I was a compilation of impacting initiatives, studies and reports including but not limited to:

City of Hamilton Official Plan

Central Area Plan and Official Amendment No. 66

Neighbourhood Plans for Central, Durand, Corktown, Stinson, Beasley

Downtown Action Plan

The Gore Heritage Design Study

Commercial Improvement Program

Ferguson Avenue Revitalization Project

The West Harbourfront Development Study

Guidelines for an Integrated Business Hamilton Downtown Ideas Charrette District

Urban Safety Barrier – Free Accessibility

Strong Medicine...A Prescription for the Heart of Hamilton-Wentworth

Bicycle Network Master Plan

Go Transit Study

Regional Transportation Review

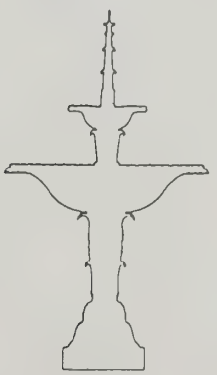
Vision 2020 - The Sustainable Region

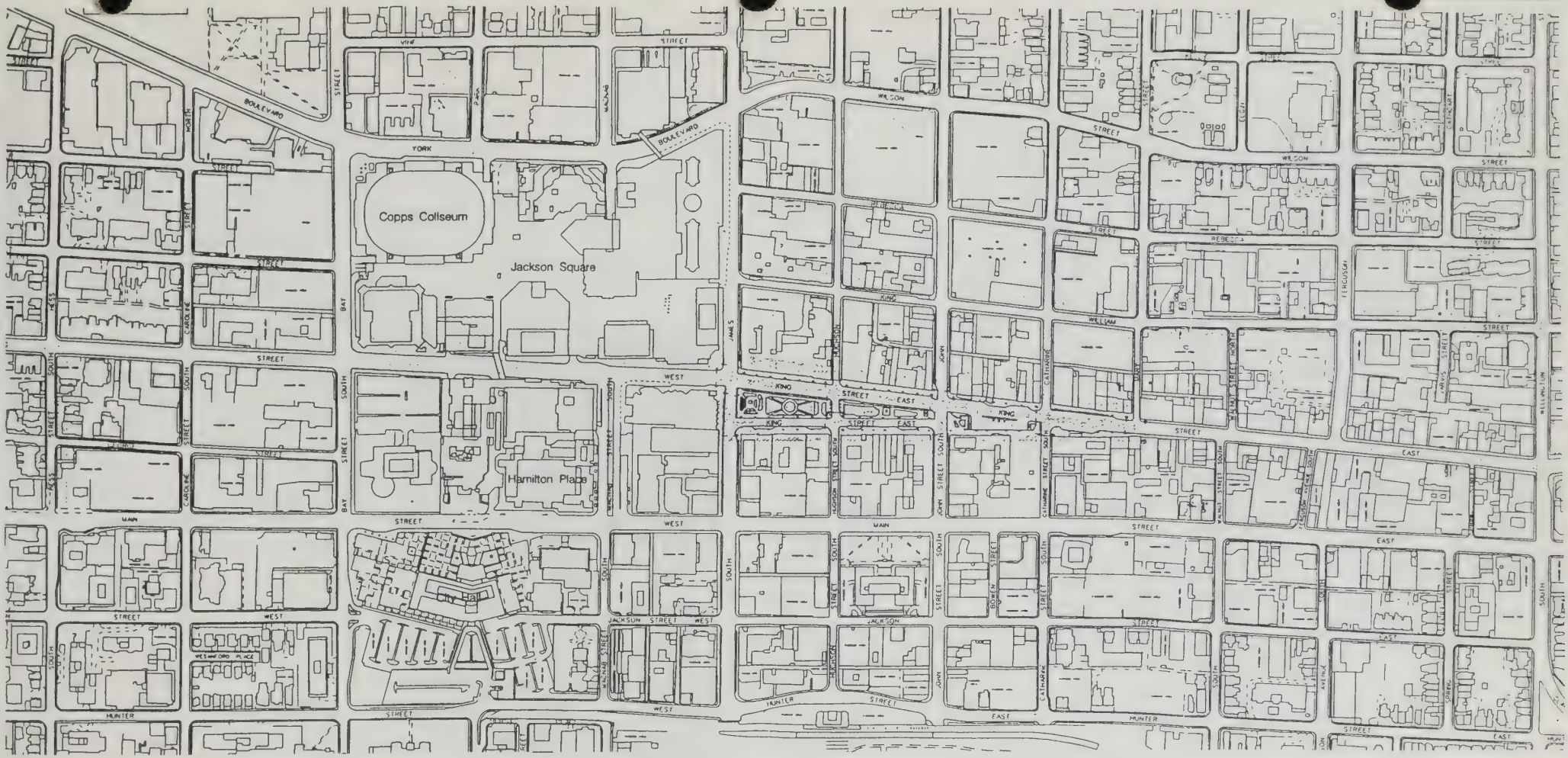
The Renaissance Project

Official Plan for the Region of Hamilton-Wentworth

Public Art Policy

Mayor's Task Force Committee - Twenty-Nine Point Plan





Restore the Core
Downtown Hamilton Improvement Plan

Completed in 1997

Phase 2:
To be constructed in 1998

Phases 3–5:
Future construction

To be constructed in 1998
(Funded separately)

2. Project Components

Sidewalks

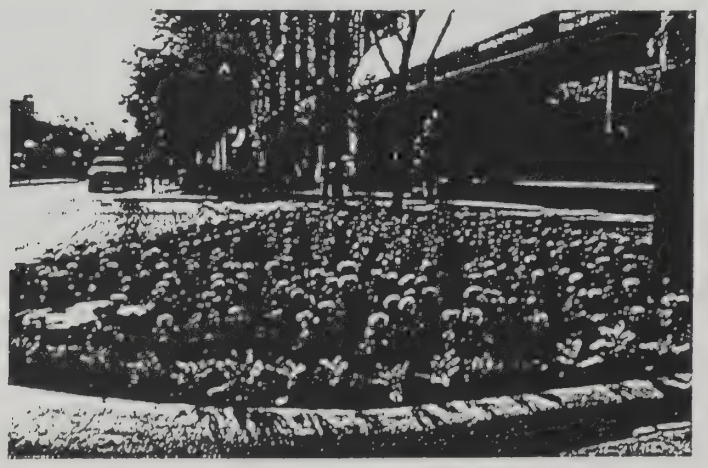
- create a uniform approach to new sidewalks to coordinate with the recently completed work at Gore Park and Phase I
- maintain existing curb alignment and curbs where suitable
- remove existing sidewalks; install textured concrete sidewalks featuring urban braille and street name plates
- improve aesthetics
- provide proper drainage
- finish sidewalks with a surface which is safer than the existing
- arrange site elements for ease of cleaning and snow removal



A view of the new textured concrete sidewalks featuring urban braille and street name plates as installed in Phase I of the program.

Planting - Flower Beds, Buffering, Trees

- create substantial planting areas at key locations such as corners and seating areas
- buffer and enhance parking lot edges
- plant trees in groups where possible using quality 4-6" caliper sizes
- remove existing individual planters
- install rolled curb edge beds including irrigation where possible along sidewalks
- include drainage, soil, and plant material in all planting areas
- install hanging baskets alternating with banners on new light poles throughout project area
- preserve existing trees where possible
- remove and relocate existing trees where planted inappropriately
- repair tree pits
- install suspended tree grates for air and water movement with custom pavers for uniformity



A view of a newly installed planting area featuring a rolled curb edge located at the south-east corner of James and King Streets.

Special Tree Planting Program

A new project line has been added for 1998 to aggressively increase the number of trees in the downtown core. Trees will be planted where suitable throughout the downtown core using up-to-date techniques to improve viability and maintenance.

Lighting

The lights and poles have a distinctive heritage appearance which reflects the image of the project and specific design details from the Gore Park fountain. The pedestrian-scaled poles have been used to display decorative banners, signs and hanging flower baskets. The white light of metal halide provides a brighter and cleaner appearance with more illumination as is evident in Phase I. The attractive acorn-shaped light fixture, with cut-off reflective optical system, greatly reduces glare. The new system makes the downtown more inviting and pedestrians feel more comfortable and secure.

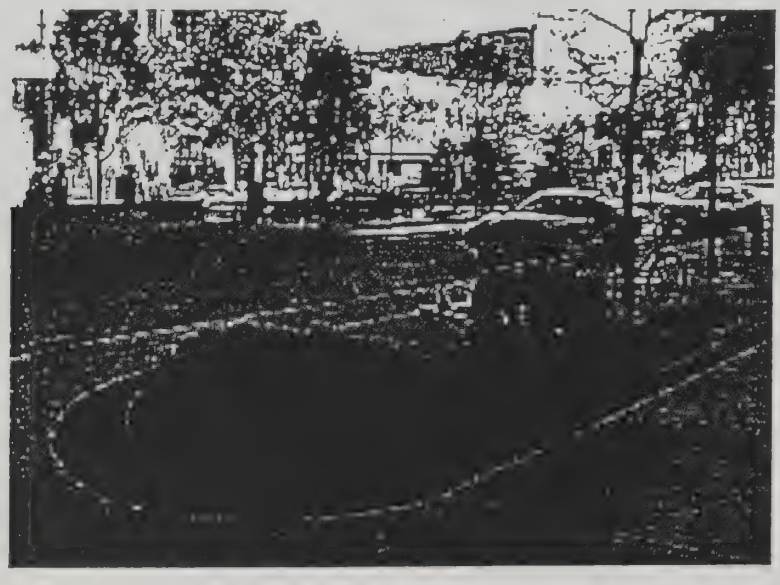


Newly installed metal halide lights and poles adjacent to Gore Park. The lights and poles have a distinctive heritage appearance.

Street Furniture

Site furniture is arranged to create rest nodes at bus shelters and other key locations. All components reflect the theme of heritage throughout the downtown precinct. Careful placement of benches, litter containers, bike racks and bollards in combination with urban braille and planting beds create design spaces for pedestrians. This approach will maintain the minimum 1.5 metre wide unobstructed zone for the urban braille system and ensure that the sidewalks remain uncluttered and easy to maintain.

- remove all existing furnishings including benches, litter containers, notice boards, planters, advertising bike racks, and bollards
- install new heritage benches with wood slats
- use decorative park litter containers with plastic inserts for easy removal of garbage
- install heritage bollards and collapsible bollards at key locations
- newspaper boxes to be grouped and/or combined in bus shelters
- locate bike racks outside the limits of the urban braille



This photo depicts street furniture arranged in rest nodes including a new heritage bench and decorative litter container adjacent to a new planting area. The textured concrete sidewalk and urban braille are also shown.

Traffic Signs and Banners

- establish a uniform signage system for regulatory and directional signage within the precinct
- reduce the number of signs posted by grouping signs on a reduced number of poles
- banners will be incorporated on light poles alternating with hanging baskets throughout the project area
- remove excessive traffic signage
- remove existing street name signs and replace with heritage signs
- install street name plates in concrete sidewalks at intersections
- install visitor directional signs in key locations

Seasonal Displays/Christmas Decorations

Seasonal displays will be created in planting beds during the off-season with fresh cut trees, wreaths, bows and a multitude of lights. A special effort will be made to take advantage of the upgraded infrastructure such that an impressive Christmas atmosphere will be implemented which coordinates the lighting displays with event programming and the initiatives of the Downtown and International Village BIA's.

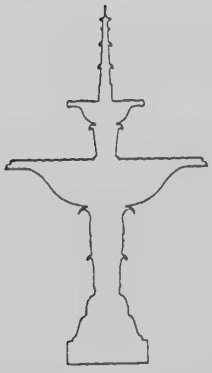


1997 Christmas display in flower beds

Miscellaneous

This component includes:

- drinking fountains
- flagpoles
- message kiosk/board
- special events infrastructure improvements



3. Design Criteria

Urban Braille

The following list outlines the design criteria for the urban braille system as installed on King Street East (between James and Mary Streets) and King William (between Catharine and Victoria Streets). A test pour indicating finish, colours, stamp patterns and technique must be approved prior to the commencement of any installations.

Main Pathway

- *all obstructions (light poles, hydrants, tree grates, flower beds, benches, etc.) to be outside the limits of the main pathway
- "clear way" to be a minimum 1.5m wide; 2.0m wide where possible
- distance between shoreline and building face varies
- regular concrete colour (light beige)

Minor Pathway

- *all obstructions (light poles, hydrants, tree grates, flower beds, benches, etc.) to be outside the limits of the minor pathway
- act as an alternate route to the main pathway where parking "bump outs" provide the opportunity for accent areas with obstacles such as patios and flower beds
- "clear way" to be a minimum 1.5m wide

Bus Stop Detection Strip

- .45m (18") wide band coloured and stamped with a double row of soldier course brick patterning
- dark gray coloured concrete

Street Name Plates

- indicate name of street perpendicular to path of travel
- approximate size .61m (2') wide with a .25m (9") textured band on two sides
- .20m (8") high letters recessed and highlighted with black; font style to be Bookman Old Style or approved equivalent
- score lines to lead from name plates to ramp areas at street corners

Corner Curbs/Ramps

- to meet current Regional standards for accessibility

Annual Flower Bed

- at sidewalk grade with a .10m (4") high rolled concrete edge

Decision Nodes

- to indicate locations in "clear way" with more than one possible route of travel
- .60m (2') textured diamond
- regular coloured concrete

Shore Lines

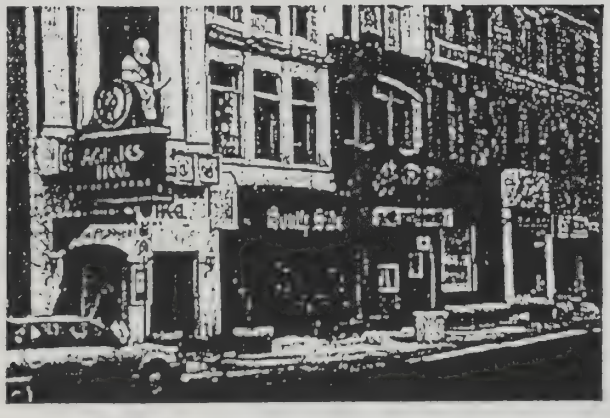
- .23m (9") wide
- dark gray coloured concrete (colour: cobblestone gray or approved equivalent)
- stamped with a single row of soldier course brick patterning

Accent Areas

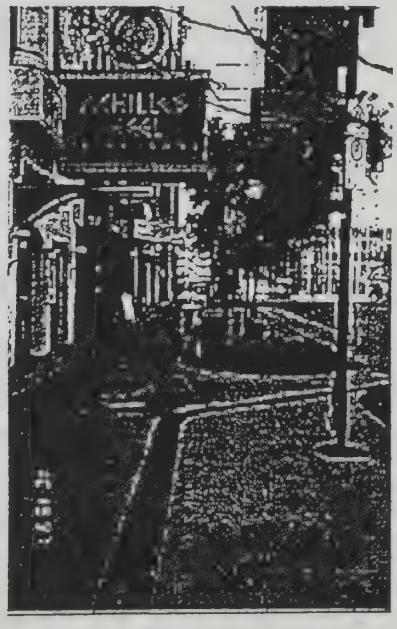
- light gray coloured concrete (colour: shale gray or approved equivalent)
- indicate areas with obstacles such as patios, benches, flower beds, and bike rings

Parking/Taxi/Bus Waiting Zone

- to be designed as a separate area from "clear way"
- regular coloured concrete
- may contain obstacles such as bus shelters, lights, trees, traffic signs, parking meters



King Street East before implementation of design criteria for urban braille system.



King Street East after implementation of design criteria for urban braille system

Lighting

The new lights and poles have a distinctive heritage appearance to reflect the image of the project. The pedestrian scale poles are used to display decorative banners, signs and hanging flower baskets. The metal halide white light as installed in Phase I provides a brighter and cleaner appearance with more illumination. The attractive acorn shaped light fixture, with cut-off reflective optical system, greatly reduces glare. The new system makes the downtown inviting and pedestrians feel more comfortable and secure.

The acorn light fixture (luminaire) not only reinforces the heritage theme, but has been used successfully on other recent street improvement projects such as Ferguson Avenue North, Stuart Street, and Sheaffe Street. The optical system is a cut-off segmented reflector which reduces disability glare and light trespass. The mounting bracket and slip fitter have elements that are found in the Gore Park fountain.

The pole is steel with a round tapered fluted shaft. The base cover is cast aluminium and is custom designed to include details from the Gore Park fountain. Cast aluminium is recommended over cast iron for its resistance to corrosion from road salt. This cover will provide a measure of protection to the steel pole, as well create a distinctive appearance for Hamilton. The anchor base plates for the poles have been custom designed to fit onto the existing concrete foundations in Phase I. New foundations will be incorporated in Phase II.. The finish of the light fixtures and poles is a textured black polyester powdercoat with gold accent trim on the light fixture and base cover.

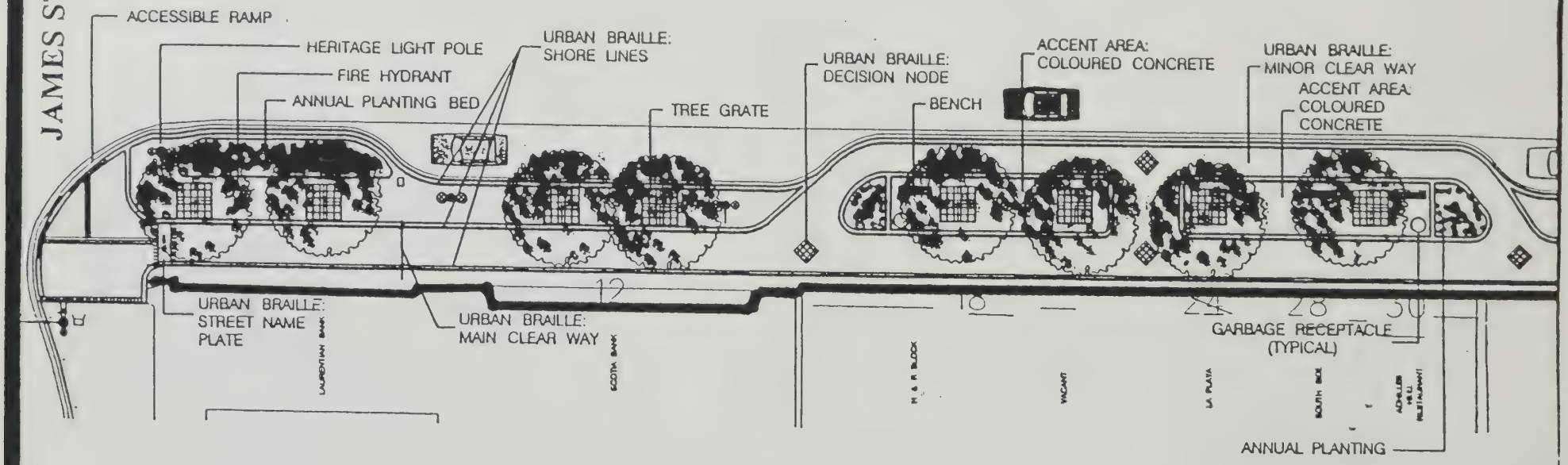
The light source is 200W energy master metal halide. This lamp provides an increase in light levels of up to 25% over existing levels and is a significant improvement in light clarity and colour quality over the existing high pressure sodium lamps The metal halide lamp provides a white light that renders colour more true than the yellow high pressure sodium. On a scale of 100, the metal halide colour rendering index is 70 compared to 22 for high pressure sodium. In documented studies, this white light is preferred by people, provides better colour rendering of the streetscape and storefront displays, provides improved night-time vision and improves security.

The light fixtures have been produced in several configurations. Along King Street East two lights are mounted on a 15 foot pole with either a banner or a hanging flower basket. In Gore Park and in front of the Royal Connaught Hotel, one or two lights are mounted on a 12 ½ foot pole which will have two hanging flower baskets.

Another aspect of the Downtown Improvement Plan is the replacement of the existing traffic poles on King Street East to match the heritage style of the light poles.

JAMES STREET SOUTH

KING STREET EAST



City of HAMILTON

Project	DOWNTOWN HAMILTON IMPROVEMENT PLAN
Title	TYPICAL STREETSCAPE LAYOUT - SOUTH LEG OF KING ST. E. & JAMES ST. ST.
Date	Oct. 7, 1997
Scale	1 : 300
Dwg. No.	

5. "Core Heritage 2000 Program"

Introduction

In 1997, the Restore the Core budget featured a facade improvement program for downtown buildings known as the Gore Heritage 2000 Program. It was the intention of this program to provide a budget of $200,000. per year for three years with the goal of bringing back to its full potential the aging commercial building stock in the downtown.

The first phase of this program began in 1997 for the Gore area only (King Street East from James Street to Catharine Street). The program offered property owners in the Gore a maximum of $20,000. per building for facade improvement projects, as identified in the *Gore Heritage Design Study*. Matching funding was made available for: (1) upper facade restoration; (2) storefront renovation, including awnings; and (3) new commercial signage, in accordance with established principles of good signage. Although only open for approximately five months, the Gore Heritage 2000 Program successfully attracted nearly 50% of the building owners whose buildings were in need of improvement. The full impact of these rehabilitation projects will begin to show later in 1998.

Proposal

The 1998 Restore the Core Budget proposal includes the extension of the Gore Heritage 2000 Program to all properties within the boundaries of Queen Street to Victoria Avenue, and Cannon Street to Hunter Street. This program will be known as the Core Heritage 2000 Program with funding of $200,000. as the second phase of the three-year program. A Facade Improvement Study adopted by Council is a pre-requisite for participation.

Need

Downtown Hamilton still displays a number of significant buildings which are neglected, underused or vacant, creating a negative impact on the City, both in economic terms and in respect to the City's image.

Purpose

The purpose of this program is to encourage re-use and rehabilitation of these structurally sound, well-designed, older structures. A number of these buildings with major potential for recycling were ineligible for the 1997 Program due to their location outside of the Gore. Renewal of this building stock could well attract new economic development and turn the image of the downtown around. It is the intention of the Core Heritage 2000 Program to join with other downtown projects in order to initiate a new momentum in downtown revitalization.

Demand

At the time the Gore Heritage 2000 Program was announced last summer, there was an immediate demand for participation from that area of King Street East outside the Gore, known as International Village. The International Village B.I.A. has requested in writing an extension of the Heritage 2000 Program to their area. In response to this request, LACAC and the Downtown Initiatives Committee have endorsed a recommendation to extend this facade program to all eligible Downtown buildings in 1998. International Village B.I.A., which has already undertaken a Facade Improvement Study, has approximately 100 properties, most of which would be eligible for the program.

Success of the Gore Heritage 2000 Program in 1997

The Gore Heritage 2000 Program has proven to be successful. The applications, which included nearly 50% of the properties needing improvements, will use most of the $200,000. in the budget, which, in turn, represents a total investment of approximately $400,000. or more. These improvements range from new signage and awnings to major facade work (such as in the Woolworth Building) and are expected to be completed in 1998.

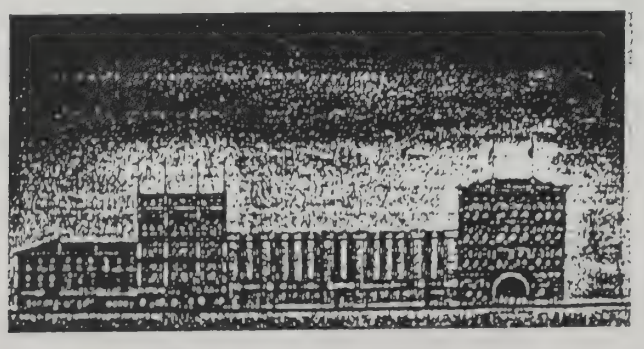
Furthermore, the Gore Heritage 2000 Program has demonstrated that, as a matching grant program and joint public-private initiative works, that the City is committed financially to the improvement of the downtown, and that the City has adopted a vision for the existing downtown buildings which recognizes and builds on their authentic stylistic assets.

Projection

With the momemtum begun in the Gore, the outlook for downtown building rehabilitation in 1998 is promising, particularly in light of the added impetus coming from the Hamilton Courthouse opening, the new public initiatives, and the proposed re-adjustment in taxes for Downtown buildings.

Conclusion

Given the success of the Gore Heritage 2000 Program and the demand from downtown property owners and merchants outside the Gore for a similar program, it is concluded that the Core Heritage 2000 budget is an important component of the 1998 Restore the Core budget submission.



'Core 2000'
Artist Rendering

6. "Positively Downtown" - a calendar of special events and attractions to celebrate summer in the City

The approved capital improvement plan is intended, in part, to create a fresh and exciting step toward revitalizing our Downtown. In addition, it offers the opportunity to showcase what our city core has to offer as part of a calendar of programmed activities designed to draw people of all ages and interests into the downtown area.

The focal point for our "Positively Downtown" summer calendar in 1997 was Gore Park, and on special occasions all or part of the adjacent south leg of King Street. Other venues such as Jarvis Square, the Jackson Square court, the Court House lawn and specified street sites were included. The active participation of businesses within the city centre was essential to achieving the best possible outcome.

The calendar of events was scheduled in July and August 1997 and widely promoted using a brochure format illustrating the type of event, location(s), time and duration. The following summarizes the events held in the summer of 1997:

Street Gallery:

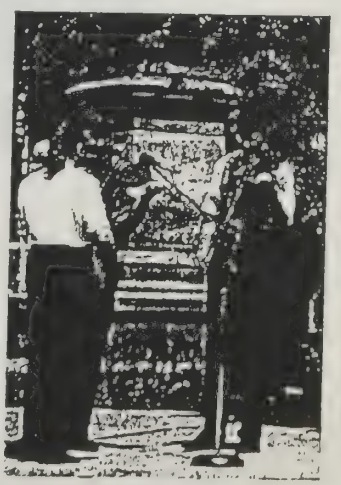
- Thirty-five artists registered to exhibit works in empty store windows along King Street East and in Jackson Square. Included in the Street Gallery locations were the Hamilton and Region Arts Council's gallery in Jackson Square and two Convention Centre display windows.

Street Lines:

- a value-added component in store windows consisting of poems by local writers reproduced in large format and displayed with the visual art works

Street Music:

- Opportunities were provided for local musicians to perform outdoors at various locations; eighteen musicians participated. Six sidewalk locations were marked with large yellow stars and performances took place on Monday/Wednesday/Thursday/Friday over the eight-week period. Two street dance evenings were also scheduled with "The Cruzers" band.



Local musicians performing in Gore Park during the summer of 1997.

Music in the City:

- Produced independently, this programme runs every summer with bands, soloists and duos setting up at Gore Park during lunch hours. Performances were scheduled on Saturdays, and some Sundays.



A street dance held in the downtown core during the summer of 1997.

Jackson Square:

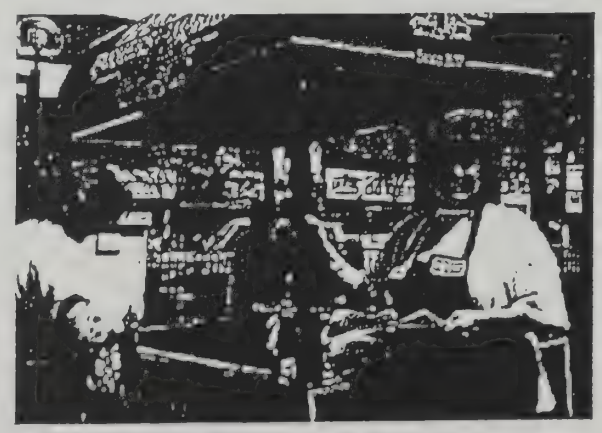
- music performances held on the upper level of Jackson Square; independently produced

- Scaffold Theatre Company: live theatre performances held on the upper level of Jackson Square; independently produced

Farmers' Market:

- custom-designed portable carts fabricated and used at Gore Park to sell fresh fruits, flowers, etc. during the lunch hours throughout summer and fall

- 160th birthday celebrations included a petting zoo, music performances, cake cutting, and horse and buggy rides to attract customers to the Market and raise its profile; independently produced.



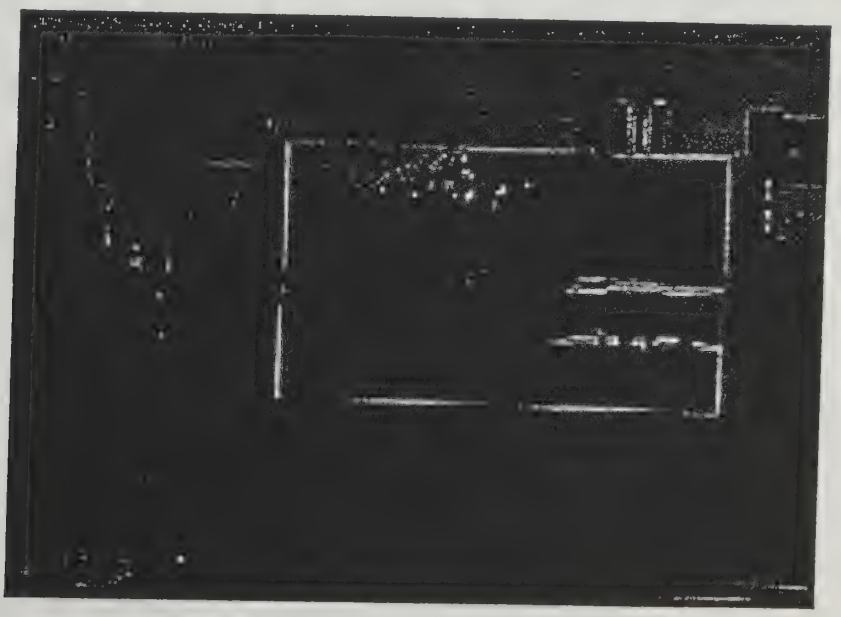
A portable Farmers' Market cart used at Gore Park during the summer and fall of 1997

Marketing:

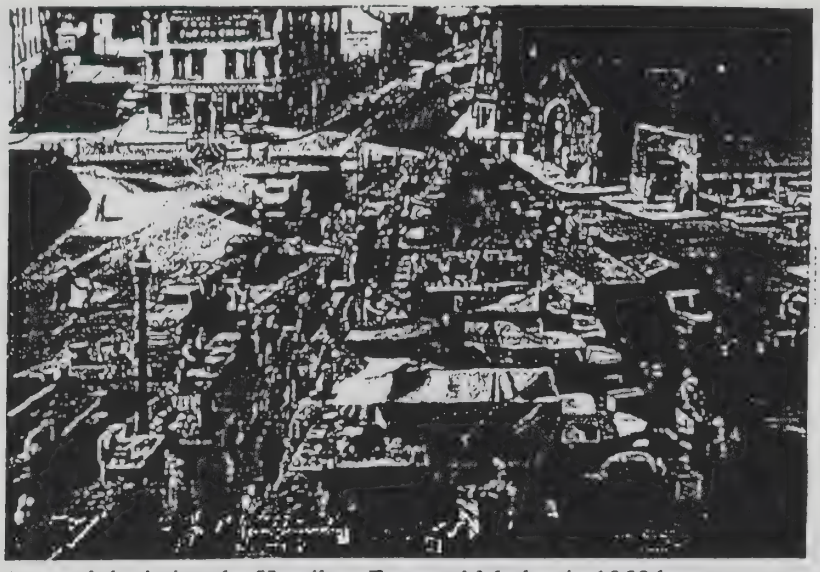
- CHML Radio carried events information on a daily basis regarding music performances at several downtown sites
- a brochure/map was designed and distributed
- HSR bus shelters at 50 locations carried large scale posters which contained, in addition to the map, information about the various programmes and a calendar of events
- summer events were documented with still photography and on videotape

Murals:

- The installations of Robert Ross's "Cootes Paradise" (1 James Street South) and Henry Smith's "Hamilton Farmers' Market" (32 York Boulevard) were completed in October/November. The artists were guests of honour at a dedication reception on October 25,1997; Mr. Smith came to Hamilton from Arizona for the reception.



A mural depicting Cootes Paradise by Robert Ross located on the south-east side of the building located at 1 James Street South.



A mural depicting the Hamilton Farmers' Market in 1958 by Henry Smith located on the north-east side of the Eaton's Parkade Complex located at 32 York Boulevard.

The positive response from the "Positively Downtown" Summer Calendar inspired the enhanced winter calendar of events "It's Festive in the Downtown". Events include the Nutcracker Festival, Art Downtown, Art Gallery of Hamilton - Special Exhibition, Music in the City, and more. Features at Gore Park included Santa's reindeer, a toy train, and visits by Santa.



A visit by Santa

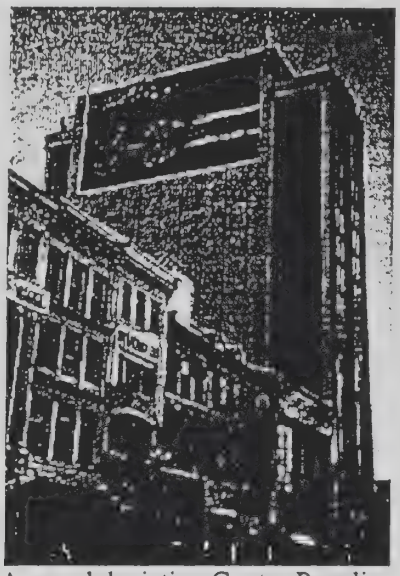
Recommended strategies for the 1998 "Positively Downtown" program are:

- continue the program into 1998, with an all-seasons strategy
- increase the frequency and the number of street music performances
- encourage independent programmers to stay involved, such as the Scaffold Theatre, Big Time Productions ('Music in the City'), Jackson Square and the Farmers' Market
- incorporate events at the Art Gallery and Hamilton Place in the marketing strategy
- organize a Mime Training Workshop to give young people the means to expand their dramatic arts skill levels and to have "home grown" talent for the Street Performers program
- identify Street Music Performers with name/photo cards which are valid for an entire year
- continue the mural programme with two new images for 1998, using the experience gained in the 1997 project
- encourage the use of the Gore Park Heritage Study recommendations for signage and facade improvements
- continue to give out the Positively Downtown buttons which remain in stock
- revise and reprint the map/brochure/dining guide; notify restaurants that in 1999 there should be a financial commitment from them to remain as a feature of the brochure
- erect temporary shade structures (architectural "tension structures") in the plaza areas at City Hall and Commonwealth Square to examine the feasibility of their seasonal use

7. Public Art Initiatives/Murals

Within the boundaries of the downtown improvement project, several mural programs have been completed over the past three years. There are now sixteen mural installations at different core locations. These installations include both pedestrian scale murals and large foundation pieces, and enrich the downtown atmosphere.

There is a growing trend in Ontario to utilize the visual arts for large-scale outdoor murals. The City of Hamilton's 1997 mural project was successful in the creation of Robert Ross's "Cootes Paradise" at 1 James Street South and Henry Smith's "Hamilton Farmers' Market" installed at 32 York Boulevard.



A mural depicting Cootes Paradise as seen from Gore Park

A number of options have been identified for the 1998 mural project for both the images and locations. The options for the images range from representation of paintings which already exist and form part of the collection of the Art Gallery of Hamilton, to murals that realistically create the illusion of a street front/vista. Prominent outdoor walls of buildings with excellent site views within the downtown core have been identified and the consent of building owners will be sought when appropriate.

Benefits

- provide distinction for the buildings on which they are located
- serve as anchor points for walking tours downtown which may feature significant buildings and/or the existing collection of wall murals
- provide focus of tourist promotion activities
- celebrate memorable places, events and people
- provide a vehicle for public/private partnerships
- assist in the upgrading of building walls within the downtown

7. Parking Issues

On June 24, 1997, City Council approved the following recommendations:

- to improve overall parking conditions in the downtown by increasing on-street parking by 100%
- reduce the hourly rates from $1. to 50 cents per hour
- add a 10 minute grace period to all parking meters
- lower the level of parking enforcement

The recommendations were implemented and have been received by the merchants and citizens of Hamilton with great enthusiasm and support. These parking improvements were developed by staff and are the result of extensive consultation with the International Village and the Downtown BIAs; however, it is acknowledged that "fine-tuning" of the new parking areas would be necessary and these further initiatives are on-going.

On November 4, 1997 City Council approved that on-street parking meters not be operated after 6:00 p.m. on Thursday and Friday evenings in the downtown area, such that parking is now free every night and all day on Sundays. On January 19, 1998 the Transport and Environment Committee approved a recommendation to further increase the number of on-street parking spaces in the downtown by approximately 100 spaces, some of which are part-time spaces during evening hours in areas reserved for loading and unloading during the day. The Committee also directed staff to actively participate with the International Village and the Downtown BIAs to promote and advertise the recent parking initiatives in the downtown.

Staff is committed to maintaining a rapport with the Downtown and International Village BIAs in order to facilitate future requests for changes to the parking regulations in the downtown, and to be able to discuss and respond to concerns such as parking enforcement..As part of the plan to improve over all parking conditions in the downtown in 1998, staff will continue to work with the BIAs to maximize on-street parking and to "fine-tune" existing regulations; and will:

- continue to address various parking enforcement concerns/issues to further enhance the image of downtown parking
- work with the BIAs to develop an information package which might be given to persons attending the City's "First Attendance Facility" with parking tag inquiries
- investigate possible curb realignments to enhance the streetscape as well as to maximize on-street parking
- investigate ways to enhance the streetscape by reducing excessive parking signs/devices
- address requests for free parking

8. Region of Hamilton-Wentworth

Phase I 1997 - Summary

The Region of Hamilton-Wentworth has participated with the City of Hamilton's "Restore the Core" project in a number of ways. One significant and highly visible way will be the replacement of the traffic poles in Phase I. Being part of the Region's infrastructure, the Region has funded a new custom traffic pole that matches the design heritage light pole used in Phase I. The traffic poles are slightly larger in scale with a matching base cover and fluted shaft. The poles will support two heritage lights and redesigned street name signs. These poles are currently being manufactured and are scheduled for installation in the spring of 1998.

The Region of Hamilton-Wentworth also undertook watermain, and sewer projects on sections of King Street East and Hughson Street in 1997 in the Downtown, with a total value of $1.87 million. In addition, Bay Street between York Boulevard and Cannon Street was resurfaced, deteriorated crosswalks at a number of locations along King Street were replaced, and the Design and Construction Section of the Roads Division managed the City's construction project on King Street East between James and Mary Streets. A concept for unique street name signing for the Downtown was developed, incorporating special street name blades and colours, and are scheduled for implementation in Phases I and II in 1998.

Phase II 1998 - Proposed Works

The Region of Hamilton-Wentworth will be undertaking watermain and sewer replacement, repair, or rehabilitation in all locations that are subject to reconstruction under the City of Hamilton's Phase II construction projects. Strategies are also being developed for resurfacing or reconstruction of a number of road links in the Downtown, including King Street East, James Street, Bay Street, and Queen Street. Implementation will depend in part on the outcome of the Downtown Transportation Study (Smart Moves), in conjunction with the City's visioning exercise to be facilitated by Gianni Longo, but flexibility will be retained in the Region's Capital Budget for any combination of options. Depending on the outcome of those initiatives, it may be possible to undertake demonstration projects on several road links in 1998 to test concepts developed in the course of the studies. The Region of Hamilton-Wentworth will also contribute an additional $120,000 for traffic poles for Phase II, and street name signs for Phases I and II.

9. Project Description by Phase

Phase I – 1997:

- approved in the 1997 Capital Budget and constructed

Phase II – 1998:

- Core Heritage 2000 Project - various locations
- King Street East improvements - Mary Street to Wellington Street including sidewalks, planters, plants, street furniture, lighting, electrical and signage
- Walnut Street improvements - east side from King Street to King William Street including roads, sidewalks, planters, plants, street furniture, lighting, electrical and, signage
- wall murals
- alley improvements
- Farmers' Market Improvements including street furniture and signage
- public art initiatives in the Core
- special events in the Core
- Christmas decorations in the Core
- tree planting in the Core including steel grate and collar, drainage, soil, installation of trees and pavers
- Transportation plan opportunities including: roads, sidewalks, planters, plants, lighting and electrical
- Downtown Secondary Plan

Phase II Total: **$3,042,000.00**

- Ferguson Avenue Revitalization Project - King William Street to Main Street (this project is funded separately and will be implemented in 1998) including hard surfaces, horticulture enhancements, street furnishings, and signage

Phase III – 1999:

- Core Heritage 2000 Project - various locations
- wall murals
- public art initiatives in the Core
- special events in the Core
- Christmas decorations in the Core
- tree planting in the Core including steel grates and collar, drainage and soil, installation of trees, pavers
- King Street West improvements - James Street to Bay Street including sidewalks, planters and plants, street furniture, lighting and electrical, signage
- Hess Street improvements - Main Street West to King Street West including roads, sidewalks, planters and plants, street furniture, lighting and electrical, signage
- building facade lighting
- Downtown Secondary Plan
- Downtown Tax Incentive Plan

Phase III Total: $3,144,210.00
(includes subsidy $100,000.00)

Cost to City: $3,044,210.00

Phase IV – 2000:

- public art initiatives in the Core
- special events in the Core
- Christmas decorations in the Core
- tree planting in the Core including steel grate and collar, drainage and soil, installation of trees, pavers

- building facade lighting
- public washrooms
- Walnut Street improvements - west side of King Street to King William Street including roads, sidewalks, lighting and electrical, signage
- King William improvements - James Street to Catharine Street including sidewalks, planters and plants, street furniture, lighting and electrical, signage
- Hughson Street improvements - Hunter Street to King William Street including sidewalks, lighting and electrical, signage
- Downtown Tax Incentive Plan

Phase IV Total: **$2,832,520.00**
(includes subsidy $217,000.00)

Cost to City: **$2,615,520.00**

Phase V – 2001:

- Farmers' Market improvements – York Boulevard including road, sidewalks, planters and plants, lighting and electrical, buildings
- public art initiatives in the Core
- special events in the Core
- Christmas decorations in the Core
- tree planting in the Core including steel grate and collar, drainage and soil, installation of trees, pavers
- Walnut Street improvements - Main Street East to King Street East including sidewalks, street furniture, lighting and electrical, signage
- Catharine Street improvements - Main Street East to King Street East including planters and plants, street furniture, lighting and electrical, signage
- Mary Street improvements - King Street East to King William Street including sidewalks, planters and plants, street furniture, lighting and electrical, signage

- Main Street improvements - various locations including planters, plants, street furniture and signage

Phase V Total: **$ 2,310,730.00**

Phase VI – 2001 – 2006:

- Downtown Tax Incentive Plan

Phase VI Total: **$ 250,000.00**

Phases II To VI Total: **$11,579,460.00**
(includes subsidy $317,000.00)

Cost to City: **$11,262,460.00**

* *Detailed budget estimates available upon request.*

Matrix of Budget Items by Phase and Project

Date: February 2, 1998
Prepared by: Park Development Section

Item ▼ Estimate Reference ▼ Project Description	Roads, Sidewalks & Alleys	Planters & Plants	Street Furniture	Lighting & Electrical	Signage	Public Art	Buildings / Structures	Misc. Items	GROSS COSTS	RECEIPT SUBSIDY	COST TO CITY	ANNUAL OPERATING COSTS
PHASE I - 1997												
Approved in the 1997 Capital Budget and constructed.												
PHASE II - 1998												
1 'A' Core Heritage 2000 Project various locations in the Core area							$200,000.00		$200,000.00		$200,000.00	
2 'B1' King Street East Improvements from Wellington St. to Mary St.	$395,000.00	$143,850.00	$52,000.00	$687,300.00	$32,200.00			$59,600.00	$1,369,950.00		$1,369,950.00	$16,000.00
3 'B2' King Street East Improvements Transportation Plan Opportunities	$262,170.00	$134,400.00		$57,000.00					$453,570.00		$453,570.00	$3,000.00
4 'C' Walnut Street -east side from King St. E. to King William St.	$75,640.00	$43,700.00	$4,550.00	$57,200.00	$1,050.00				$182,140.00		$182,140.00	$1,000.00
5 'D' Wall Murals various locations in the core						$90,000.00			$90,000.00		$90,000.00	$2,600.00
6 'E' Alley Improvements James St. S. and Main St. E.	$101,200.00								$101,200.00		$101,200.00	
7 'F' Farmers' Market Improvements York Boulevard			$13,650.00		$96,500.00				$110,150.00		$110,150.00	
8 'G' Public Art Initiatives Core area						$46,000.00			$46,000.00		$46,000.00	$1,400.00
9 'H' Special Events Core area								$50,000.00	$50,000.00		$50,000.00	$1,400.00
10 'I' Christmas Decorations Core area								$32,990.00	$32,990.00		$32,990.00	$15,000.00
11 'J' Tree Planting Program Core area		$256,000.00							$256,000.00		$256,000.00	$10,000.00
12 Downtown Secondary Plan								$150,000.00	$150,000.00		$150,000.00	
Phase II Subtotals	$834,010.00	$577,950.00	$70,200.00	$801,500.00	$129,750.00	$136,000.00	$200,000.00	$292,590.00	$3,042,000.00	$0.00	$3,042,000.00	$55,400.00

Matrix of Budget Items by Phase and Project

Date: February 2, 1998
Prepared by: Park Development Section

Item / Estimate Reference / Project Description	Roads, Sidewalks & Alleys	Planters & Plants	Street Furniture	Lighting & Electrical	Signage	Public Art	Buildings / Structures	Misc. Items	GROSS COSTS	RECEIPT SUBSIDY	COST TO CITY	ANNUAL OPERATING COSTS
PHASE III												
13 'A' **Core Heritage 2000 Project** various locations in the Core area							$200,000.00		$200,000.00		$200,000.00	
14 'D' **Wall Murals** various locations in the core						$40,000.00			$40,000.00		$40,000.00	$1,300.00
15 'G' **Public Art Initiatives** Core area						$24,000.00			$24,000.00		$24,000.00	$1,000.00
16 'H' **Special Events** Core area								$50,000.00	$50,000.00		$50,000.00	$1,400.00
17 'I' **Christmas Decorations** Core area								$36,900.00	$36,900.00		$36,900.00	$15,000.00
18 'J' **Tree Planting Program** Core area		$64,000.00							$64,000.00		$64,000.00	$5,000.00
19 'K' **King Street West Improvements** King St. W. from James St. to Bay St.	$821,600.00	$174,900.00	$62,250.00	$517,800.00	$28,900.00			$58,000.00	$1,663,450.00		$1,663,450.00	$16,000.00
20 'L' **Hess Street Improvements** from Main St. W. to King St. W.	$368,210.00	$84,200.00	$22,300.00	$359,750.00	$19,400.00			$8,000.00	$861,860.00	$100,000.00	$761,860.00	$2,500.00
21 'M' **Building Facade Lighting** various locations in the core				$139,000.00					$139,000.00		$139,000.00	$1,400.00
22 **Downtown Secondary Plan**								$15,000.00	$15,000.00		$15,000.00	
23 **Downtown Tax Incentive Plan**								$50,000.00	$50,000.00		$50,000.00	
Phase III Subtotals	$1,189,810.00	$323,100.00	$84,550.00	$1,016,550.00	$48,300.00	$64,000.00	$200,000.00	$217,900.00	$3,144,210.00	$100,000.00	$3,044,210.00	$43,600.00

Matrix of Budget Items by Phase and Project

Date: February 2, 1998
Prepared by: Park Development Section

Item / *Estimate Reference* / *Project Description*	*Roads, Sidewalks & Alleys*	*Planters & Plants*	*Street Furniture*	*Lighting & Electrical*	*Signage*	*Public Art*	*Buildings / Structures*	*Misc. Items*	*GROSS COSTS*	*RECEIPT SUBSIDY*	*COST TO CITY*	*ANNUAL OPERATING COSTS*
PHASE IV												
24 'C' Walnut Street - west side from King St. E. to King William St.	$53,020.00			$40,000.00	$1,050.00				$94,070.00	$20,000.00	$74,070.00	$500.00
25 'G' Public Art Initiatives Core area						$46,000.00			$46,000.00		$46,000.00	$1,000.00
26 'H' Special Events Core area								$50,000.00	$50,000.00		$50,000.00	$1,400.00
27 'I' Christmas Decorations Core area								$20,000.00	$20,000.00		$20,000.00	$5,000.00
28 'J' Tree Planting Program Core area		$160,000.00							$160,000.00		$160,000.00	$5,000.00
29 'M' Building Facade Lighting various locations in the core				$429,000.00					$429,000.00	$197,000.00	$232,000.00	
30 'N' Downtown Public Washroom location to be determined							$561,000.00		$561,000.00		$561,000.00	$84,000.00
31 'O' King William Street Improvements from James St. to Catharine St.	$94,800.00	$195,400.00	$29,300.00	$451,750.00	$17,200.00			$7,000.00	$795,450.00		$795,450.00	$2,000.00
32 'P' Hughson Street Improvements from Hunter St. to King William St.	$284,400.00			$315,450.00	$22,150.00			$5,000.00	$627,000.00		$627,000.00	$2,400.00
33 Downtown Tax Incentive Plan								$50,000.00	$50,000.00		$50,000.00	
Phase IV Subtotals	$432,220.00	$355,400.00	$29,300.00	$1,236,200.00	$40,400.00	$46,000.00	$561,000.00	$132,000.00	$2,832,520.00	$217,000.00	$2,615,520.00	$101,300.00

Matrix of Budget Items by Phase and Project

Date: February 2, 1998
Prepared by: Park Development Section

Item / *Estimate Reference* / *Project Description*	*Roads, Sidewalks & Alleys*	*Planters & Plants*	*Street Furniture*	*Lighting & Electrical*	*Signage*	*Public Art*	*Buildings / Structures*	*Misc. Items*	*GROSS COSTS*	*RECEIPT SUBSIDY*	*COST TO CITY*	*ANNUAL OPERATING COSTS*
PHASE V												
34 'F' **Farmers' Market Improvements** York Boulevard	$39,370.00	$55,800.00		$25,850.00			$213,000.00	$18,000.00	$352,020.00		$352,020.00	$4,200.00
35 'G' **Public Art Initiatives** Core area						$46,000.00			$46,000.00		$46,000.00	$1,000.00
36 'H' **Special Events** Core area								$50,000.00	$50,000.00		$50,000.00	$1,400.00
37 'I' **Christmas Decorations** Core area								$20,000.00	$20,000.00		$20,000.00	$5,000.00
38 'J' **Tree Planting Program** Core area		$160,000.00							$160,000.00		$160,000.00	$5,000.00
39 'Q' King William Street Improvements from Catharine St. to Wellington St.		$204,900.00	$45,500.00	$301,600.00	$10,100.00			$3,000.00	$565,100.00		$565,100.00	$1,500.00
40 'R' Walnut Street Improvements from Main St. E. to King St. E.	$66,360.00		$3,250.00	$42,600.00	$3,200.00			$2,000.00	$117,410.00		$117,410.00	$1,000.00
41 'S' Catharine Street Improvements from Main St. E. to King William St.		$97,000.00	$6,500.00	$76,150.00	$4,300.00				$183,950.00		$183,950.00	$1,000.00
42 'T' Mary Street Improvements from King St. E. to King William St.	$63,200.00	$84,600.00	$3,250.00	$43,600.00	$2,000.00				$196,650.00		$196,650.00	$1,000.00
43 'U' Main Street Improvements various locations		$324,300.00	$84,500.00		$72,800.00			$88,000.00	$569,600.00		$569,600.00	$4,000.00
44 **Downtown Tax Incentive Plan**								$50,000.00	$50,000.00		$50,000.00	
Phase V Subtotals	$168,930.00	$926,600.00	$143,000.00	$489,800.00	$92,400.00	$46,000.00	$213,000.00	$231,000.00	$2,310,730.00	$0.00	$2,310,730.00	$25,100.00

Matrix of Budget Items by Phase and Project

Date: February 2, 1998
Prepared by: Park Development Section

Item / *Estimate Reference* / *Project Description*	*Roads, Sidewalks & Alleys*	*Planters & Plants*	*Street Furniture*	*Lighting & Electrical*	*Signage*	*Public Art*	*Buildings / Structures*	*Misc. Items*	*GROSS COSTS*	*RECEIPT SUBSIDY*	*COST TO CITY*	*ANNUAL OPERATING COSTS*
PHASE VI												
45 Downtown Tax Incentive Plan												
year 2002												
year 2003								$50,000.00	$50,000.00		$50,000.00	
year 2004								$50,000.00	$50,000.00		$50,000.00	
year 2006								$50,000.00	$50,000.00		$50,000.00	
year 2005								$50,000.00	$50,000.00		$50,000.00	
								$50,000.00	$50,000.00		$50,000.00	
Phase VI Subtotals								$250,000.00	$250,000.00	$0.00	$250,000.00	
Phases II to VI Totals	$2,624,970.00	$2,183,050.00	$327,050.00	$3,544,050.00	$310,850.00	$292,000.00	$1,174,000.00	$1,123,490.00	$11,579,460.00	$317,000.00	$11,262,460.00	$225,400.00

GRAND TOTAL $11,262,460.00 $225,400.00

Note: Miscellaneous items include changing traffic signals, gateways, Christmas decorations, message kiosk, Secondary Plan, and Tax Incentive Plan.

10. Project Contacts

Project Manager	Chris Firth-Eagland Department of Public Works and Traffic	546-4337
Co-ordinator	Werner Plessl Department of Public Works and Traffic	546-3923
B.I.A. Liaison	Hazel Milsome Department of Public Works and Traffic	546-2755
Construction	Doug Onishi Roads Department (Region)	546-4316
	Erik Hess Department of Public Works and Traffic	546-2298
Plan Details	Roberta Violin Department of Public Works and Traffic	546-2347
Lighting, Traffic Poles and Signage	Lawrence Stasiuk Department of Public Works and Traffic	546-2292
Core Heritage 2000 Grant Programme	Nina Chapple Planning and Development Department	546-3933
Special Events	Bob Chrystian Department of Public Works and Traffic	546-4334
	Shelley Merlo-Orzel Culture and Recreation Department	546-4646
Parking Issues	Peter Baker Parking Authority	540-6000
	Martin Hazell Department of Public Works and Traffic	546-4588
Murals	Cheryl York Culture and Recreation Department	546-2036

Restore the Core - Downtown Hamilton Improvement Plan

Project Summary Phase II - VI

Phase II Implementation Commencing 1998

Department	Initiatives	Phase	Standing Committee T & E	Phase	P & R	Phase	P & D
Public Works & Traffic	-sidewalk reconstruction	II	$2,506,000.				
	-streetscaping	III	$2,665,210.				
	-lighting/electrical	IV	$2,469,520.				
	-signage	V	$2,164,730.				
	-horticultural	**Total**	**$9,805,460.**				
	-tree planting						
	-seasonal displays						
	-Farmer's Market streetscape improvements						
	-alley improvement						
	-building façade lighting						
	-downtown public washroom						
Culture & Recreation	-public art/murals			II	$186,000.		
	-Special Events:			III	$114,000.		
	- Positively Downtown			IV	$ 96,000.		
	- It's Festive in the Downtown			V	$ 96,000.		
	- First Night			**Total**	**$492,000.**		
Planning & Development	-Core Heritage 2000					II	$350.000.
	-Downtown Secondary Plan					III	$265,000.
	-Downtown Tax Incentive					IV	$ 50,000.
	1999-2001					V	$ 50,000.
	2002-2005 (Phase VI)					VI	$250,000.
						Total	**$965,000.**

Phase II - VI Total: $11,262,460.

7(b)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 February 4

FEB 0 6 1998

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Doug Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: Public Works and Traffic Department, Community Renewal Section, 1998-2007 Provisional Capital Budget.

RECOMMENDATION:

a) That the attached capital projects from the Public Works and Traffic Department, Community Renewal, included within the Parks Division and Streets and Sanitation Division, be considered for inclusion in the ten year 1998-2007 Provisional Capital Budget; and,

b) That these capital projects be reviewed by the Management Team (Capital Budget Sub-Committee) for consideration by the Committee of the Whole and City Council.

J.W. Lobo

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

All development cost estimates have been prepared by the Public Works and Traffic Department. The annual current budget impact for each project is included with the capital budget submission.

From a legal perspective, all issues of a legal nature that may arise during the implementation of these development projects will be forwarded on an individual basis to the Planning and Development Committee for consideration.

There are no staffing positions proposed with these Public Works and Traffic Department's Capital Budget Projects.

BACKGROUND:

The following is a brief explanation of the 1998-2007 Capital Budget submission of Community Renewal, Public Works and Traffic Department (identified as Appendix 'A' attached). The projects have been incorporated into both the Parks Division and Streets and Sanitation Division of the Department depending on the nature of the work involved. The sequence of projects coincides with the rank number assigned in the Capital Budget Program Submission as determined by the Public Works and Traffic Department:

1. **Westerly Gateway - Main Street West (Within Streets and Sanitation Division)**

   This project enhances the westerly entranceway to Hamilton through the removal of the standard light poles and lights on Main Street West between Locke and Dundurn Streets, and replacement with decorative poles and lights to match those that presently exist between Queen and Locke Streets. With an objective of attracting more people to Hamilton's downtown core the implementation of this project will serve as an attractive entranceway to the core.

   Total 1998 - $120,000

2. **Commercial Improvement Program - Phase II (Within Parks Division)**

   City Council at its meeting held 1997 September 30, approved Item Five of the Fourteenth Report of the Planning and Development Committee which reads "that the Business Improvement Area Co-ordinating Committee's request for Commercial Improvement Program funding, in the amount of $315,000 which will result in the funding of $15,000 per year, for each of the seven B.I.A.'s over the next three years, be referred to the Corporate Management Team with instructions that it be considered a priority in the 1998-2007 Capital Budget Deliberations".

   The Commercial Improvement Program funds the following components within the boundaries of a B.I.A.: streetscape improvements on publicly owned lands, subsidizes public art (wall murals etc.) and, subsidizes comprehensive studies undertaken by B.I.A.'s that provide guidelines for future growth and development.

   Total 1998 - $105,000
   Total 1999 - $105,000
   Total 2000 - $105,000

3. **Corktown Neighbourhood Plan Implementation - Phase I (Within the Streets and Sanitation Division).**

The Corktown Neighbourhood Plan was created through a public participation process resulting in a plan that identifies future land use, urban design, movement and amenity improvements in the form of goals and policies. City Council approved the Corktown Neighbourhood Plan at its meeting held 1997 October 28. This is the first phase of a two phase project that will address the signage aspect of the Plan as well the development of a link with Carter Park/Central Memorial Recreation Centre and existing and proposed trail networks.

An aesthetical and attractive neighbourhood fosters a better image of the City for local residents and potential investors. In particular, this downtown neighbourhood has undergone significant land use changes over the past 25 years and a cohesive and uniform aesthetic improvement program would act as a catalyst for further private sector initiatives.

Total 1999 - $50,000

4. **Ferguson Avenue Implementation - Pedestrian/Bicycle Link - Phase II (Within Streets and Sanitation Division**

This incorporates the remainder of the Ferguson Avenue Master Plan phases. Phase One (between Barton and Cannon Streets) was implemented in 1996/97 and Phase Two (between King William to Main Streets) has been funded under the 1997 Capital Budget with implementation scheduled for the Spring of 1998. An intensive public participation process was undertaken for the preparation of the Ferguson Avenue Master Plan. The process consisted of two and a half years of meetings with a stakeholders group and four public meetings/workshops, where the needs, visions and desires of the community at large were gathered and incorporated into the Master Plan. The Master Plan identifies the opportunity to create a linkage between the Escarpment, the Downtown and the Bay with emphasis on pedestrians and cyclists.

Total 2007 and after $3,121,000

5. **Hughson Street Redevelopment - Downtown Action Plan - Phase II (Within Streets and Sanitation Division)**

This project at a gross cost $765,000 creates a logical pedestrian link on Hughson Street South from Hunter Street to Charlton Avenue and is recommended for commencement in 2007. This project will serve as a continuation of the pedestrian connection to the GO Station, the downtown core and other major downtown attactions.

Total 2007 and after $765,000

6. **Commercial Improvement Program - Phase II (Within Parks Division)**

The objective of the Program is to finance streetscape improvements on publicly owned lands, subsidize public art within a B.I.A. (wall murals etc.) and, subsidize comprehensive studies undertaken by B.I.A.'s that provide guidelines for future growth and development. Items that have been implemented utilizing monies from Phase I of the Program include: benches, planters, banners, speciality lighting, alleyway lighting, sidewalk widening, speciality paving etc. Monies were also utilized from these funds to set-up accounts to implement the Commercial Property Improvement Program that offers property owners of commercial buildings within B.I.A.'s financial help to upgrade/renovate the interior and exterior of their buildings.

The implementation of this program will demonstrate the City's support of B.I.A.'s and help spur the economic vitality of the areas. Physical improvements together with the synergy created through business development strategies for B.I.A.'s will benefit the businesses through creating a more viable business area, the public through improved service within their neighbourhoods, and the City, since the more viable Hamilton's business areas are, the more taxes are derived.

Total 2007 and after $2,500,000.

7,8, 9,10. **Neighbourhood Revitalization Projects (Within Parks Division)**

Previously subsidized through the Province of Ontario, the most recent neighbourhood revitalization project has been covered utilizing 100% municipal monies (Crown Point East/McAnulty Phase One).

Neighbourhoods are identified through the Parks Staff Committee on a needs basis. Existing infrastrucure, incompatible land uses and the amount of park space within the areas are reviewed to determine the areas of prioritization. Recommendations are then channelled through the Parks and Recreation Committee and ultimately City Council and adopted as part of the Parks Expenditure Policy.

Areas identified for improvements include: Crown Point East/McAnulty Phase Two, Stipeley South, Parkview East and West and Blakeley/St. Clair. The cost for each project area amounts to approximately $500,000. with the exception of the Parkview

East and West. The Parks Development and Maintenance Section of the Public Works and Traffic Department has completed work at Leaside, Glow and Woodward Park all in the Parkview East and West area, therefore the capital funding allotment for this project area has been reduced to $266,000. in recognition of these commitments.

5.Crown Point East/McAnulty - II Total 2007 and after $542,000
7. Stipeley/South Total 2007 and after $551,000
8. Parkview (East and West) Total 2007 and after $266,000
9. Blakeley/St. Clair Total 2007 and after $532,000

11. <u>Corktown Neighbourhood Plan Implementation - Phase II (Within the Streets and Sanitation Division).</u>

This is the second phase of a two-phase project, to further meet the objective of creating an attractive urban community within the Corktown Neighbourhood for the residents, visitors and potential investors as identified in the Corktown Neighbourhood Plan previously approved by City Council at its meeting held 1997 October 28. Phase Two will achieve the implementation of urban braille, streetscaping/screening and landscape improvements.

Total 2007 and after - $2,500,000

DL:HM:hm
P&D98-CapBud

Attach's.

c.c. Mr. A. Ross, City Treasurer, Treasury Department
Mr. N. Adhya, Manager of Budgets, Treasury Department
Mr. R. Chrystian, Manager of Parks Division, Public Works and Traffic Department
Mr. C. Firth-Eagland, Manager of Streets and Sanitation Division, Public Works and Traffic Department

The Corporation of the City of Hamilton

1998–2007 Provisional Capital Budget Program

Schedule "A"

Projects By Department

(Thousands of Dollars)

First Draft

PROJ NO. (1)	DEPT (2)	PROJECT DESCRIPTION (3)	PROJECT START (4)	PROJECT FINISH (5)	GROSS COST (6)	RECEIPTS SUBSIDY (7)	NET FINANCING (City's Cost) 1998 (8)	1999 (9)	2000 (10)	2001 (11)	2002 (12)	2003 (13)	2004 (14)	2005 (15)	2006 (16)	2007 (17)	NATURE OF FUNDING (18)	Annual DEBT Charges (19)	Annual Operating COST (20)
		PUBLIC WORKS & TRAFFIC – STREETS 24-12-97																	
1.0	PWD-S	DOWNTOWN HAMILTON IMPROVEMENT PLAN – PHASE II	1998	1998	3,042		3,042												55
2.0	PWD-S	DOWNTOWN HAMILTON IMPROVEMENT PLAN – PHASE III	1999	1999	3,144	100		3,044											44
3.0	PWD-S	DOWNTOWN HAMILTON IMPROVEMENT PLAN – PHASE IV	2000	2000	2,833	217			2,616										101
4.0	PWD-S	DOWNTOWN HAMILTON IMPROVEMENT PLAN – PHASE V	2001	2001	2,311					2,311									25
5.0	PWD-S	CITY'S SHARE OF LOCALS – RESIDENTIAL	1998	1998	250		250												
6.1	PWD-S	CITY'S SHARE OF LOCALS – RESIDENTIAL	1999	1999	250			250											
6.2	PWD-S	CITY'S SHARE OF LOCALS – RESIDENTIAL	2000	2000	250				250										
6.3	PWD-S	CITY'S SHARE OF LOCALS – RESIDENTIAL	2001	2001	250					250									
6.4	PWD-S	CITY'S SHARE OF LOCALS – RESIDENTIAL	2002	2002	250						250								
7.1	PWD-S	CITY'S SHARE OF LOCALS – RESIDENTIAL	2003	2003	250							250							
7.2	PWD-S	CITY'S SHARE OF LOCALS – RESIDENTIAL	2004	2004	250								250						
7.3	PWD-S	CITY'S SHARE OF LOCALS – RESIDENTIAL	2005	2005	250									250					
7.4	PWD-S	CITY'S SHARE OF LOCALS – RESIDENTIAL	2006	2006	250										250				
7.5	PWD-S	CITY'S SHARE OF LOCALS – RESIDENTIAL	2007	2007	250											250			
8.0	PWD-S	ROADWAYS AND SIDEWALKS RECONSTRUCTION PROGRAM	1998	1998	6,519		6,519												
9.1	PWD-S	ROADWAYS AND SIDEWALKS RECONSTRUCTION PROGRAM	1999	1999	7,546			7,546											
9.2	PWD-S	ROADWAYS AND SIDEWALKS RECONSTRUCTION PROGRAM	2000	2000	7,991				7,991										
9.3	PWD-S	ROADWAYS AND SIDEWALKS RECONSTRUCTION PROGRAM	2001	2001	8,630					8,630									
9.4	PWD-S	ROADWAYS AND SIDEWALKS RECONSTRUCTION PROGRAM	2002	2002	8,890						8,890								
10.1	PWD-S	ROADWAYS AND SIDEWALKS RECONSTRUCTION PROGRAM	2003	2003	9,160							9,160							
10.2	PWD-S	ROADWAYS AND SIDEWALKS RECONSTRUCTION PROGRAM	2004	2004	9,445								9,445						
10.3	PWD-S	ROADWAYS AND SIDEWALKS RECONSTRUCTION PROGRAM	2005	2005	9,739									9,739					
10.4	PWD-S	ROADWAYS AND SIDEWALKS RECONSTRUCTION PROGRAM	2006	2006	10,031										10,031				
10.5	PWD-S	ROADWAYS AND SIDEWALKS RECONSTRUCTION PROGRAM	2007	2007	10,332											10,332			
11.0	PWD-S	WESTERLY GATEWAY – MAIN STREET WEST	1998	1998	120		120												6
12.0	PWD-S	TENNIAL PARKWAY RECONSTRUCTION	1998	1998	2,630		2,630												126

The Corporation of the City of Hamilton

1998–2007 Provisional Capital Budget Program

Schedule "A"

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(Thousands of Dollars)

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13.0	PWD–S	GUISE STREET – BAY TO CAROLINE – RECONSTRUCTION	1998	2000	1,735	320	1,415												10
14.1	PWD–S	CONSTRUCTION – MAINTENANCE OF CITY'S PARKING LOTS	2001	2001	50					50									
14.2	PWD–S	CONSTRUCTION – MAINTENANCE OF CITY'S PARKING LOTS	2002	2002	50						50								
14.3	PWD–S	CONSTRUCTION – MAINTENANCE OF CITY'S PARKING LOTS	2003	2003	50							50							
14.4	PWD–S	CONSTRUCTION – MAINTENANCE OF CITY'S PARKING LOTS	2004	2004	50								50						
14.5	PWD–S	CONSTRUCTION – MAINTENANCE OF CITY'S PARKING LOTS	2005	2005	50									50					
14.6	PWD–S	CONSTRUCTION – MAINTENANCE OF CITY'S PARKING LOTS	2006	2006	50										50				
14.7	PWD–S	CONSTRUCTION – MAINTENANCE OF CITY'S PARKING LOTS	2007	2007	50											50			
15.0	PWD–S	IMPLEMENTATION OF '97 CORKTOWN NEIGHBOURHOOD PLAN PHASE I	1999	1999	50			50											
16.0	PWD–S	ENHANCED STREETSCAPING	1999	1999	36			36											19
17.0	PWD–S	WATER TRUCK – TRAFFIC ISLAND PROGRAMME	1999	1999	68			68											9
18.1	PWD–S	ENHANCED STREETSCAPING	2000	2000	36				36										6
18.2	PWD–S	ENHANCED STREETSCAPING	2001	2001	36					36									6
19.0	PWD–S	BEASLEY NEIGHBOURHOOD PLAN IMPLEMENTATION	2003	2003	93							93							2
20.0	PWD–S	MOTOR VEHICLE REQUIREMENTS – SIGNALS AND HOISTS	2006	2006	72										72				
21.0	PWD–S	FORESTRY RENOVATION – UPPER OTTAWA YARD	2006	2006	90										90				
22.0	PWD–S	FERGUSON AVE IMPLEMENTATION PEDESTRIAN/BIKE LINK PHASE II	2007	& After	3,121											3,121			61
23.0	PWD–S	HUGHSON ST. REDEVELOPMENT – PHASE II	2007	& After	765											765			27
24.0	PWD–S	CORKTOWN NEIGHBOURHOOD PLAN IMPLEMENTATION – PHASE II	2007	& After	2,500											2,500			50
25.0	PWD–S	CONSTRUCT SERVICE GARAGE – BRAMPTON YARD	2007	2007	1,284											1,284			
26.0	PWD–S	DOWNTOWN HAMILTON IMPROVEMENT PLAN – PHASE VI	2002	2006	250						50	50	50	50	50				0
	Sub–total	*Public Works & Traffic – Streets* (*Net City Costs* 114,712)			115,349	637	13,976	10,994	10,893	11,277	9,240	9,603	9,795	10,089	10,543	18,302		0	547
		1997–2006 Capital Budget			80,839	*0*	*6,769*	*7,796*	*8,241*	*8,930*	*9,226*	*9,528*	*9,745*	*10,039*	*10,565*	*0*			
		Over/(Under)			*34,510*	*637*	*7,207*	*3,198*	*2,652*	*2,347*	*14*	*75*	*50*	*50*	*(22)*	*18,302*			

The Corporation of the City of Hamilton

1998–2007 Capital Budget Program

Schedule "A"

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		PUBLIC WORKS & TRAFFIC – PARKS *27-Nov-97*																	
1.0	PWD-P	WATERFRONT TRAIL – CN LAND ACQUISITION	1998	1998	2,000		2,000												0
2.0	PWD-P	PLAYSTRUCTURE REDEVELOPMENT	1998	1998	217	17	200												3
3.1	PWD-P	PLAYSTRUCTURE REDEVELOPMENT	1999	1999	217	17		200											3
3.2	PWD-P	PLAYSTRUCTURE REDEVELOPMENT	2000	2000	217	17			200										3
3.3	PWD-P	PLAYSTRUCTURE REDEVELOPMENT	2001	2001	217	17				200									3
3.4	PWD-P	PLAYSTRUCTURE REDEVELOPMENT	2002	2002	217	17					200								3
3.5	PWD-P	PLAYSTRUCTURE REDEVELOPMENT	2003	2003	217	17						200							3
3.6	PWD-P	PLAYSTRUCTURE REDEVELOPMENT	2004	2004	217	17							200						3
3.7	PWD-P	PLAYSTRUCTURE REDEVELOPMENT	2005	2005	217	17								200					3
3.8	PWD-P	PLAYSTRUCTURE REDEVELOPMENT	2006	2006	217	17									200				3
3.9	PWD-P	PLAYSTRUCTURE REDEVELOPMENT	2007	2007	217	17										200			3
4.1	PWD-P	PLAYSTRUCTURE REDEVELOPMENT – ADDITIONAL	1998	1998	106	6	100												2
4.2	PWD-P	PLAYSTRUCTURE REDEVELOPMENT – ADDITIONAL	1999	1999	106	6		100											2
5.0	PWD-P	PARK DEVELOPMENT AND REDEVELOPMENT PROGRAMME	1998	1998	600		600												41
6.1	PWD-P	PARK DEVELOPMENT AND REDEVELOPMENT PROGRAMME	1999	1999	600			600											41
6.2	PWD-P	PARK DEVELOPMENT AND REDEVELOPMENT PROGRAMME	2000	2000	600				600										41
6.3	PWD-P	PARK DEVELOPMENT AND REDEVELOPMENT PROGRAMME	2001	2001	600					600									41
6.4	PWD-P	PARK DEVELOPMENT AND REDEVELOPMENT PROGRAMME	2002	2002	600						600								41
6.5	PWD-P	PARK DEVELOPMENT AND REDEVELOPMENT PROGRAMME	2003	2003	600							600							41
6.6	PWD-P	PARK DEVELOPMENT AND REDEVELOPMENT PROGRAMME	2004	2004	600								600						41
6.7	PWD-P	PARK DEVELOPMENT AND REDEVELOPMENT PROGRAMME	2005	2005	600									600					41
6.8	PWD-P	PARK DEVELOPMENT AND REDEVELOPMENT PROGRAMME	2006	2006	600										600				41
6.9	PWD-P	PARK DEVELOPMENT AND REDEVELOPMENT PROGRAMME	2007	2007	600											600			41
7.1	PWD-P	PARKLAND ACQUISITION	1999	1999	500			500											16
7.2	PWD-P	PARKLAND ACQUISITION	2000	2000	500				500										16
7.3	PWD-P	LAND ACQUISITION	2001	2001						500									16

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1998–2007 Capital Budget Program

Schedule "A"

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7.4	PWD-P	PARKLAND ACQUISITION	2002	2002	500						500								16
7.5	PWD-P	PARKLAND ACQUISITION	2003	2003	500							500							16
7.6	PWD-P	PARKLAND ACQUISITION	2004	2004	500								500						16
7.7	PWD-P	PARKLAND ACQUISITION	2005	2005	500									500					16
7.8	PWD-P	PARKLAND ACQUISITION	2006	2006	500										500				16
7.9	PWD-P	PARKLAND ACQUISITION	2007	2007	500											500			16
8.0	PWD-P	BOCCE, BASKETBALL, SHUFFLEBOARD COURTS, HANDBALL DEVELOPMEN	1998	1998	53	3	50												
9.1	PWD-P	BOCCE, BASKETBALL, SHUFFLEBOARD COURTS, HANDBALL DEVELOPMEN	1999	1999	53	3		50											
9.2	PWD-P	BOCCE, BASKETBALL, SHUFFLEBOARD COURTS, HANDBALL DEVELOPMEN	2000	2000	53	3			50										
9.3	PWD-P	BOCCE, BASKETBALL, SHUFFLEBOARD COURTS, HANDBALL DEVELOPMEN	2001	2001	53	3				50									
9.4	PWD-P	BOCCE, BASKETBALL, SHUFFLEBOARD COURTS, HANDBALL DEVELOPMEN	2002	2002	53	3					50								
9.5	PWD-P	BOCCE, BASKETBALL, SHUFFLEBOARD COURTS, HANDBALL DEVELOPMEN	2003	2003	53	3						50							
9.6	PWD-P	BOCCE, BASKETBALL, SHUFFLEBOARD COURTS, HANDBALL DEVELOPMEN	2004	2004	53	3							50						
9.7	PWD-P	BOCCE, BASKETBALL, SHUFFLEBOARD COURTS, HANDBALL DEVELOPMEN	2005	2005	53	3								50					
9.8	PWD-P	BOCCE, BASKETBALL, SHUFFLEBOARD COURTS, HANDBALL DEVELOPMEN	2006	2006	53	3									50				
9.9	PWD-P	BOCCE, BASKETBALL, SHUFFLEBOARD COURTS, HANDBALL DEVELOPMEN	2007	2007	53	3										50			
10.0	PWD-P	ESCARPMENT STEPS – FENNELL TO GREENHILL	1998	1999	480		480												
11.0	PWD-P	COMMERCIAL IMPROVEMENT PROGRAMME – PHASE II	1998	2000	315		105	105	105										15
12.0	PWD-P	WARDEN PARK – PATHWAY IMPROVEMENTS	1998	1999	50	50													
13.1	PWD-P	TENNIS COURT – MAJOR REPAIRS	1998	1998	25		25												
13.2	PWD-P	TENNIS COURT – MAJOR REPAIRS	2000	2000	30				30										
13.3	PWD-P	TENNIS COURT – MAJOR REPAIRS	2002	2002	35						35								
14.0	PWD-P	RED HILL VALLEY – RECREATION AND OPEN SPACE	1998	2002	3,065		600	600	600	600	665								55
15.0	PWD-P	HAMILTON BEACH RECREATIONAL TRAIL DEVELOPMENT	1999	2002	2,138	1,069		9	10	300	350	400							
16.0	PWD-P	PARKING LOT AND PATHWAY REPAIRS–VARIOUS LOCATIONS	2001	2001	1,160					1,160									0
17.0	PWD-P	GRASS MAINTENANCE EQUIPMENT	2002	2002	68						68								18
18.1	PWD-P	WADING POOL CONVERSIONS	2002	2002	100						100								0

The Corporation of the City of Hamilton

1998–2007 Capital Budget Program

Schedule "A"

Projects By Department

(Thousands of Dollars)

First Draft

PROJ NO. (1)	DEPT (2)	PROJECT DESCRIPTION (3)	PROJECT START (4)	PROJECT FINISH (5)	GROSS COST (6)	RECEIPTS SUBSIDY (7)	NET FINANCING (City's Cost) 1998 (8)	1999 (9)	2000 (10)	2001 (11)	2002 (12)	2003 (13)	2004 (14)	2005 (15)	2006 (16)	2007 (17)	NATURE OF FUNDING (18)	Annual DEBT Charges (19)	Annual Operating COST (20)
18.2	PWD–P	WADING POOL CONVERSIONS	2003	2003	200							200							0
19.0	PWD–P	TENNIS COURT REDEVELOPMENT – PHASE I	2004	2004	646								646						
20.0	PWD–P	REDEVELOPMENT OF CITY HALL GROUNDS	2003	2004	4,487							2,000	2,487						50
21.0	PWD–P	MAJOR GATEWAYS TO THE CITY	1998	1999	500		200	300											20
22.0	PWD–P	2000 TREES FOR THE NEW MILLENIUM	1999	2000	3,000			100	2,900										30
23.0	PWD–P	TURNER PARK DEVELOPMENT PHASE III	2005	2005	1,420									1,420					60
24.0	PWD–P	TENNIS COURT REDEVELOPMENT – PHASE II	2006	2006	247										247				
25.0	PWD–P	LANDSCAPING – BAYFRONT CSO TANK	2006	2006	278										278				5
26.0	PWD–P	PARK DEVELOPMENT AND REDEVELOPMENT PROGRAMME – Phase II	2007	2011	3,000											3,000			41
27.0	PWD–P	BAYFRONT PARK DEVELOPMENT – PHASE I, II AND III	2007	& After	1,314											1,314			76
28.0	PWD–P	BAYFRONT PARK DEVELOPMENT – PHASE IV	2007	& After	3,455	1,000										2,455			20
29.0	PWD–P	BIKEWAY DEVELOPMENT	2007	& After	500											500			4
30.0	PWD–P	CROWN POINT EAST/MCANULTY – PHASE II	2007	& After	542											542			7
31.0	PWD–P	STIPELEY SOUTH NEIGHBOURHOOD	2007	& After	551											551			29
32.0	PWD–P	PARKVIEW (EAST AND WEST)	2007	& After	266											266			14
33.0	PWD–P	BLAKELEY / ST. CLAIR REVITALIZATION	2007	& After	532											532			29
34.0	PWD–P	COMMERCIAL IMPROVEMENT PROGRAM – PHASE III	2007	& After	2,500											2,500			35
35.0	PWD–P	CRYSTAL PALACE – STUDY AND CONSTRUCTION	2007	& After	8,151	8,151													50
36.0	PWD–P	MOUNTAIN BROW PARK FENCE AND PATHWAY RECONSTRUCTION	2007	& After	1,581											1,581			12
37.0	PWD–P	SOCCER FACILITIES DEVELOPMENT	2007	& After	396											396			20
38.0	PWD–P	GAGE PARK FENCING REPLACEMENT	2007	& After	180											180			0
39.0	PWD–P	SACKVILLE HILL MEMORIAL PARK REDEVELOPMENT	2007	& After	719											719			8
40.0	PWD–P	WILLIAM CONNE;; PARK DEVELOPMENT	2007	& After	1,850											1,850			80
41.0	PWD–P	MOHAWK SPORTS PARK DEVELOPMENT – PHASE II	2007	& After	3,760											3,760			80
42.0	PWD–P	OPEN SPACE CORRIDOR – STUDY AND CONSTRUCTION	2007	& After	1,280											1,280			76
43.0	PWD–P	TENNIS COURT REDEVELOPMENT – PHASE III	2007	& After	2,485											2,485			0
44.0	PWD–P	P[illegible] DEVELOPMENT – UNDEVELOPED SITES	2007	& After	[illegible]											5,278			352

The Corporation of the City of Hamilton

1998–2007 Capital Budget Program

Schedule "A"

Projects By Department

(Thousands of Dollars)

First Draft

PROJ NO. (1)	DEPT (2)	PROJECT DESCRIPTION (3)	PROJECT START (4)	PROJECT FINISH (5)	GROSS COST (6)	RECEIPTS SUBSIDY (7)	NET FINANCING (City's Cost) 1998 (8)	1999 (9)	2000 (10)	2001 (11)	2002 (12)	2003 (13)	2004 (14)	2005 (15)	2006 (16)	2007 (17)	NATURE OF FUNDING (18)	Annual DEBT Charges (19)	Annual Operating COST (20)
45.0	PWD-P	WATERFRONT DEVELOPMENT	2007	& After	100,000	90,000										10,000			
	Sub-total	*Public Works & Traffic - Parks (Net City Costs 71,514)*			171,996	100,482	4,360	2,564	4,995	3,410	2,568	3,950	4,483	2,770	1,875	40,539		0	1,774
		1997-2006 Capital Budget			16,718	*198*	*1,450*	*1,450*	*1,401*	*2,510*	*1,518*	*1,550*	*1,996*	*2,770*	*1,875*	*0*			
		Over/(Under)			*155,278*	*100,284*	*2,910*	*1,114*	*3,594*	*900*	*1,050*	*2,400*	*2,487*	*0*	*0*	*40,539*			

7(c)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 February 12

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Building Department
1998 - 2007 Provisional Capital Budget (98.2.4.2.1.A, 98.5.10.A)

RECOMMENDATION:

a) That the attached capital project from the Building Department be considered for inclusion in the ten year 1998 - 2007 Provisional Capital Budget Program; and,

b) That this capital project be reviewed by the Corporate Management Team for consideration by the Committee of the Whole and City Council.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As part of the efficiencies obtained by implementing the digital imaging of zoning maps both the Building and Planning Departments will delete one half full time employee from their complements for a combined savings of $50,000 annually.

BACKGROUND:

The first Capital Budget submission is the digital imaging of zoning maps. At the present time, both the Building and Planning Departments use neighbourhood and zoning maps in a paper form. These maps are referred to many times daily by many different staff members.

.../2

The capital project will convert all maps to a digital form so that they can be viewed at any networked computer. Conversion to an electronic format will permit updating and maintenance to be streamlined.

In 1997 the Building Department implemented the AMANDA Tracking System for permits, licences, Committee of Adjustment, requests for action, and inspections. The use of electronic mapping will allow full integration of the Tracking System and the zoning maps. It is anticipated that other opportunities for increased service levels to the public will occur through Web site access to the data.

With respect to efficiencies, the anticipated savings of $50,000 annually converts to the elimination of one FTE.

The second project involves setting aside $200,000 for the Convert/Renovate to Rent Loan Program. This Program is intended to increase the number of residential units and hence, the number of residents in the downtown core, improve the structure, utility, and appearance of buildings, and improve health and safety for residents by upgrading existing buildings to Code. It will create construction jobs, provide needed housing, and better utilize existing infrastructure downtown.

LCK/PCL/dm

1998-2007 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

1. **DEPARTMENT/LOCAL BOARD:** Building & Planning

2. **PROJECT SUMMARY:**
   (a) Name (max. of 45 characters) Digital Imaging of Zoning Maps
   (b) Type of Project Process Upgrading
   (c) Location City Hall
   (d) Scope/Description of Work Existing neighbourhood and zoning maps are produced and maintained in paper form. These documents are referenced by Building and Planning staff on a continuous daily basis. The project will convert all maps to a digital form so that they can be viewed at any networked computer. Maintenance and updating will be done in an electronic form.

   Remarks

3. **REFERENCE TO RELATED PROJECTS:**

(a) Submitting Department	Building	
(b) Project Name	AMANDA - Maps	
(c) Start Year		1995
(d) Net City Cost		$ 300,000

4. **DEPARTMENT PRIORITY ORDER:** # 1 of 1

5. **PROJECT JUSTIFICATION ("Yes" or "No"):**

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	Yes
(b)	HEALTH/SAFETY/ENVIRONMENT	No
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	No
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	Yes
(e)	ECONOMIC DEVELOPMENT	Yes
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	No
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	Yes
(h)	GROWTH RELATED PROJECT	No

Describe Justification:
Implementing this project will allow electronic updating of maps rather than the current manual method. It will reduce staffing requirements, increase efficiencies, and provide a higher level of customer service to the public. In an electronic format map information can be retrieved by the public. Each department will be able to cut .50 FTE from their complement. It will also enable the departments to provide multi-location service.

6. **FEASIBILITY STUDY:**

(a)	START DATE (YEAR)	
(b)	COMPLETION DATE (YEAR)	
(c)	GROSS COST	$

7. **PROJECT:**

(a)	START DATE (YEAR)	1998
(b)	COMPLETION DATE (YEAR)	1999
(c)	GROSS COST (Start Year Dollars)	$ 300,000
(d)	LESS PROVINCIAL SUBSIDIES (Describe nature of subsidy)	$ 0
(e)	LESS OTHER RECEIPTS (Specify)	$ 0
(f)	NET CITY'S COST	$ 300,000

Note: all amounts rounded to the nearest thousand dollars

1998-2007 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

8. **NET EXPENDITURE BY YEAR:**

- 1998	$ 100,000	- 2003	$ _____
- 1999	$ 200,000	- 2004	$ _____
- 2000	$ _____	- 2005	$ _____
- 2001	$ _____	- 2006	$ _____
- 2002	$ _____	- 2007	$ _____

9. **ADDITIONAL ANNUALIZED NET OPERATING COSTS/(SAVINGS):**

(a)	Staffing ($25,000 savings in Building & $25,000 in Planning)	$ (50,000)
	Building Operations & Maintenance	$ _____
	Other (specify) _____	$ _____
	GROSS COST (All Inclusive)	$ _____
(b)	LESS RECOVERY/REVENUE (specify) _____	$ _____
(c)	NET CITY'S COST	$ (50,000)

Note: Where amounts include operating cost & revenue estimates which impact other City departments, attach addendum breaking down estimates by department.

10. **CAPITAL AND OPERATING ESTIMATE PREPARED BY:**
(a) Project Manager's Name **Peter C Lampman**
(b) Basis of assumptions _____

11. **WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET PROGRAM?**
No X Yes _; if yes,

(a) PROJECT NO. (Per 1997-2006 Capital Budget Program) _____

(b) AT CITY'S COST OF $ _____

(c) SCHEDULED TO START IN THE YEAR _____

J. Graham — Dec 17/97

Signature of Department Head/ Local Board Manager — *Date*

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12. ***FUNDING (Treasury Department To Complete):***

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes __ *No* __

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

Note: all amounts rounded to the nearest thousand dollars

1998-2007 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER 2.0
(Treasury to complete)

1. **DEPARTMENT/LOCAL BOARD:** Building Department

2. **PROJECT SUMMARY:**
(a) Name (max. of 45 characters) Hamilton Downtown Convert/Renovate-to-Rent Loan Program
(b) Type of Project The City will provide interest free loans to owners of commercial properties for conversions to/renovations of apartment units.
(c) Location
(d) Scope/Description of Work Pursuant to its mandate of Community Improvement and Renewal under the Planning Act and cognizant of the need to revitalize the downtown core, the City of Hamilton's Downtown Convert/Renovate to Rent Loan program will provide interest free loans to owners of commercial properties for conversions of vacant upper floor non-residential premises into apartments. Also renovations to existing apartments in commercial buildings to bring them in compliance with the property standards by-law and fire code.
(e) Remarks Changes are planned to program criteria and benefits to make it even more attractive for 1998.

3. **REFERENCE TO RELATED PROJECTS:**
(a) Submitting Department
(b) Project Name
(c) Start Year
(d) Net City Cost $ 0

1 of 1

4. **DEPARTMENT PRIORITY ORDER:**

5. **PROJECT JUSTIFICATION ("Yes" or "No"):**

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	Yes
(b)	HEALTH/SAFETY/ENVIRONMENT	Yes
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	Yes
(e)	ECONOMIC DEVELOPMENT	Yes
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	Yes
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe Justification:
The program will increase the number of residents in the downtown core, improve the structure, utility and appearance of buildings, improve health and save lives of residents by upgrading to the fire code. It will create construction jobs, provide needed housing, better utilize existing infrastucture through intensification and generate new tax revenue.

6. **FEASIBILITY STUDY:**
(a) START DATE (YEAR) NIL
(b) COMPLETION DATE (YEAR)
(c) GROSS COST $ 0

7. **PROJECT:**
(a) START DATE (YEAR) JAN/1998
(b) COMPLETION DATE (YEAR) DEC/1999
(c) GROSS COST (Start Year Dollars) $ 200,000
(d) LESS PROVINCIAL SUBSIDIES (Describe nature of subsidy) $ 0
(e) LESS OTHER RECEIPTS (Specify) $
(f) NET CITY'S COST / Loan repayments will be recycled. $ 200,000

Note: all amounts rounded to the nearest thousand dollars

1998-2007 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER 2.0
(Treasury to complete)

8. **NET EXPENDITURE BY YEAR:**

- 1998	$ 200,000	- 2003	$
- 1999	$	- 2004	$
- 2000	$	- 2005	$
- 2001	$	- 2006	$
- 2002	$	- 2007	$

9. **ADDITIONAL ANNUALIZED NET OPERATING COSTS/(SAVINGS):**

(a) Staffing $ 0
Building Operations & Maintenance $ 0
Other (specify) $ 0

GROSS COST (All Inclusive) $ 0

(b) LESS RECOVERY/REVENUE (specify) $ 0

(c) NET CITY'S COST $ 0

Note: Where amounts include operating cost & revenue estimates which impact other City departments, attach addendum breaking down estimates by department.

10. **CAPITAL AND OPERATING ESTIMATE PREPARED BY:**

(a) Project Manager's Name **Mark Mascarenhas**
(b) Basis of assumptions

11. **WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET PROGRAM?**
No _ Yes X; if yes,

(a) PROJECT NO. (Per 1997-2006 Capital Budget Program) 97/9.0 BLDG

(b) AT CITY'S COST OF $ 200,000

(c) SCHEDULED TO START IN THE YEAR 1997

Nov 28/97
Signature of Department Head/ Local Board Manager *Date*

12. ***FUNDING (Treasury Department To Complete):***

(a) NATURE OF PROPOSED FINANCING:

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes __ No __

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $

Note: all amounts rounded to the nearest thousand dollars

9.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 February 5

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Selection Committee

SUBJECT: Citizen Member Appointments - Sub-Committees of the Planning and Development Committee

RECOMMENDATION:

a) That the following citizens be appointed to serve on the Central Area Plan Implementation Committee:

William O'Brien	(for a term to expire 1999 November 30)
Denise Giroux	(for a term to expire 2000 November 30)

b) That the following citizens be appointed to serve on the Local Architectural Conservation Advisory Committee:

John Mokrycke	(for a term to expire 1998 November 30)
Reg Wheeler	(for a term to expire 1998 November 30)
Brian Henley	(for a term to expire 1999 November 30)
Jane Rigby	(for a term to expire 1999 November 30)
Jeffrey Steadman	(for a term to expire 1999 November 30)
Diane Dent	(for a term to expire 2000 November 30)
Bill King	(for a term to expire 2000 November 30)
Donna Yates	(for a term to expire 2000 November 30)

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: n/a

BACKGROUND:

Orientation Sessions were held in 1997 November for citizens interested in serving on the various City Committees, Local Boards and Commissions.

The Selection Committee met on 1998 January 14, 15, 16 and 22 to interview all applicants that applied for membership on the various City Committees, Local Boards and Commissions.

At its 1998 February 4 meeting, the Selection Committee recommended the above-noted appointments. A list of applicants for the above-noted Committees is attached for the Committee's information.

attached

cc Vanessa Grupe, Secretary, Central Area Plan Implementation Committee
Charlene Touzel, Secretary, Local Architectural Conservation Advisory Committee

CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE

2 TO BE APPOINTED
(1 for a term to expire 1999 November 30)
(1 for a term to expire 2000 November 30)

COMPOSITION	MEMBERS WHOSE TERMS OF OFFICE EXPIRES	TERM OF OFFICE EXPIRES
1 Member of City Council	**Greg Fraleigh**	**1998 February 10**
	Helen Kirkpatrick	**1998 February 10**
14 Representatives from various Associations, Boards and Businesses		
2 Citizen Members		

APPLICANTS:

1. **Rita Chimienti,** 164 Rosedale Avenue, Hamilton L8K 4N5
2. **Jeffery Corradetti,** 90 Strawberry Drive, Hamilton L8E 4R4
3. **Raymond Dartsch,** 2-22 Fairleigh Avenue South, Hamilton L8M 2K2
4. **Alison Douglas,** 68 Spartan Avenue, Stoney Creek L8E 4A3
5. **Denise Giroux,** 25 Jones Street, Hamilton L8R 1X7
6. **Carlo Gorni,** 956 Montclair Avenue, Hamilton L8M 2E4
7. **Hans Jensen,** 222 Greencedar Drive, Hamilton L9C 6W6
8. **Elena Lazar,** 55 Melrose Avenue South, Hamilton L8M 2Y4
9. **John M. Lukasik,** 68 Sherwood Rise, Hamilton L8T 1P2
10. **Beatrice McLean,** 1105-222 Jackson Street West, Hamilton L8P 4S5
11. **Dennis Misset,** 12 Binkley Crescent, Hamilton L8S 3K9
12. **William G. O'Brien,** 401-49 Robinson Street, Hamilton L8P 1Y7
13. **Randall Walker,** 66 St. Clair Avenue, Hamilton L8M 2N5 **(Application Received Late)**
14. **Sarah Whatmough,** 412 Aberdeen Avenue, Hamilton L8P 2R5

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

8 TO BE APPOINTED
(2 for a term to expire 1998 November 30)
(3 for a term to expire 1999 November 30)
(3 for a term to expire 2000 November 30)

COMPOSITION	MEMBERS WHOSE TERM OF OFFICE EXPIRES	TERM OF OFFICE EXPIRES
	Diane Dent	**1998 February 10**
2 Members of City Council	**Brian Henley**	**1998 February 10**
	John Mokrycke	**1998 February 10**
8 Citizen Members	**Jane Rigby**	**1998 February 10**
	Jeffrey Steadman	**1998 February 10**
	Reg Wheeler	**1998 February 10**
	2 vacancies	**1998 February 10**

APPLICANTS

1. **Colwyn Beynon,** 704-21 Ben Lomond Place, Hamilton L8V 2T1
2. **Leslie Bragdon,** 208-421 Whitney Avenue, Hamilton L8S 2H6
3. **Raymond Dartsch,** 2-22 Fairleigh Avenue South, Hamilton L8M 2K2
4. **Diane Gower Dent,** 4 Bull's Lane, Hamilton L9A 1C7
5. **Glen Faulman,** 39-123 Bold Street, Hamilton L8P 1V1 **(Application Received Late)**
6. **Wendy L. Frank,** 66B South Street West, Dundas ON L9H 4C6
7. **John Brian Henley,** 19 Alexander Street, Hamilton L8P 2B1
8. **John S. C. Kenyon,** 2- 148 Grant Avenue, Hamilton L8N 2X7
9. **Bill King,** 26 Bromley Road, Hamilton L9A 2C8
10. **Dennis Missett,** 12 Binkley Crescent, Hamilton L8S 3K9
11. **John Mokrycke,** 143 Park Row North, Hamilton L8H 4E7
12. **Jane Rigby,** 74 George Street, Hamilton L8P 1C9
13. **Elaine Sheppard,** 432 Charlton Avenue West, Hamilton L8P 2E8
14. **John Jeffrey Steadman,** 1051 Old Mohawk Road, Ancaster L9G 3K9
15. **Reg Wheeler,** 771 Beach Boulevard, Hamilton L8H 6Y5 **(Application Received Late)**
16. **Donna Yates,** 70 Newton Avenue, Hamilton L8S 1W1

_____ Denotes an incumbent

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1998 February 18
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

Minutes of the meeting held 1998 February 4.

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

Main Street West Business Improvement Area (B.I.A.) -
Board of Management (1998-2000)

C. DIRECTOR OF PLANNING AND DEVELOPMENT

(i) Amended Resolution for ZAC-96-05 - 177 Rymal Road East

(ii) Extension of Draft Plan Approval "Battleridge" Subdivision (File No. 25T-76024).

D. LOCAL ARCHITECTURAL ADVISORY COMMITTEE

Revised Plans for Proposed Alterations/Additions to Fearman House, 90 Stinson Street - Amendment of Heritage Permit

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

Thursday, 1998 February 4
9:30 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.



There were present:

Alderman F. D'Amico, Chairperson
Alderman G. Copps, Vice-Chairperson
Mayor R. M. Morrow
Alderman M. Caplan
Alderman R. Corsini
Alderman D. Haining
Alderman B. Charters
Alderman B. Kelly
Alderman F. Eisenberger

Also present:

Alderman T. Anderson
Alderman D. Wilson
Victor Abraham, Director of Planning and Development Department
Paul Mallard, Planning and Development Department
Bill Janssen, Planning and Development Department
Joanne Hickey-Evans, Planning and Development Department
Dave Powers, Law Office
Roland Karl, Public Works and Traffic Department
Eugene Chajka, Regional Environment Department
Willie Wong, Building Department
John Spolnik, Building Department
Stella Glover, Secretary

PUBLIC MEETINGS 9:30 O'CLOCK

Prior to each Public Meeting,Alderman D'Amico advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at a Public Hearing.

1. **Zoning Application 97-34, by Frank Mulas, Prospective Owner, for a Change in Zoning from "AA" District to "RT-20" District, Modified, for Lands Located at 1126 Garth Street**

Paul Mallard of the Planning and Development Department addressed this issue explaining that it was an infill development, compatible with the existing townhouse development to the north and south. Of 226 notices sent out, 5 had been received in favour and 10 opposed to the proposal. It was noted that the concerns expressed would be dealt with when the Site Plan Control application is considered.

The Committee was in receipt of written submissions from Mildred Coleman of 11-51 Caroga Court, Hamilton, and Elizabeth & John Squizzato of 2-51 Caroga Court, in opposition to the application.

Andrew Tim of #33-125 Bonaventure Drive, Hamilton attended on behalf of Wentworth Condominium Corporation #18 and submitted a letter of objection.

Sergio Manchia of Planning and Engineering Initiatives attended together with the prospective owner of the property, Frank Mulas. Mr. Manchia explained that the site was presently owned by the Regional Municipality of Hamilton-Wentworth and the sale was subject to the Site Plan being approved. He advised that the concerns would be addressed when consideration was given to the removal of the "H" symbol.

At this point Alderman Copps took the Chair in order that Alderman D'Amico, the ward alderman might speak on the issue. Ald. D'Amico said that he could support the application subject to the Site Plan conditions being fulfilled.

As recommended in a report dated 1998 January 26 from the Director of the Planning and Development Department, the Committee recommended to Council as follows:

(a) That approval be given to Amended Zoning Application ZAC-97-34, Frank Mulas, prospective owner, requesting a change in zoning from "AA" (Agricultural) District to "RT-20" - "H" (Townhouse-Maisonette - Holding) District, to permit the development of 9 townhouse units, for property located at 1126 Garth Street, as shown on the attached map marked as Appendix "A", on the following basis:

(i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands by introducing the holding symbol "H" as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as the prospective owner applies for and receives approval of a Site Plan Control application.

City Council may remove the "H" symbol, and thereby give effect to the rezoning and modified provisions as stipulated in this By-law, by enactment of amending By-law once the condition is fulfilled; and,

(ii) That the subjects lands be rezoned from "AA" (Agricultural) District to "RT-20" -"H" (Townhouse-Maisonette - Holding) District; and,

(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning District Map W-27A for presentation to City Council; and,

(iv) That upon approval of the Zoning By-law amendment, the Gilbert Neighbourhood Plan be amended by redesignating the subject lands from "Low Density Apartments" to "Attached Housing"; and,

(v) That the proposed change in zoning is in conformity with the Official Plan for the City of Hamilton Planning Area.

* Alderman Copps opposed

Alderman D'Amico then reassumed the chair.

2. **Zoning Application 97-40, By McDonalds Restaurants of Canada, Prospective Owner, for a Change in Zoning from "D" District to "H" District, Modified, for Lands Located at 184 Lottridge Street**

Paul Mallard explained the application and stated that a number of conditions had been included in the recommendation. He advised that of 219 notices sent, 16 had been received in favour and 3 opposed to the application.

The Committee was also in receipt of a submission from Les Myers, 156 Glendale Avenue North who stated his opposition to the proposal.

Lou Buordolne, representative of McDonald's restaurants in Canada attended and stated that he agreed with the staff recommendations with the exception of the 6 m buffer strip along Lottridge Street. He pointed out that only 1.5 m was actually required under the Zoning By-law, however he proposed providing a 3.5 m landscaped strip. Circulating an amended plan, Mr. Buordolne proposed the provision of 10 parking spaces which he stated exceeded the requirements.

It was noted that the Traffic Department had no objection to the proposed amendment.

After consideration the Committee approved the following amendment

That a landscaped area of not less that 3.5 m in width shall be provided and maintained along and within the westerly lot line abutting Lottridge Street.

*** Alderman Geraldine Copps opposed**

The Committee then considered the recommendations of the report dated 1998 January 26 from the Director of the Planning and Development Department respecting the above noted matter and approved the following amended recommendation:

(a) That approval be given to Zoning Application 97-40, McDonalds Restaurants of Canada, prospective owner, for a change in zoning from "D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified, to permit additional parking in conjunction with a proposed restaurant use at Nos. 787-791 Barton Street East, for lands located at No. 184 Lottridge Street, as shown on the attached map marked as Appendix "B", on the following basis:

(i) That the subject lands be rezoned from "D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified; and,

(ii) That the "H" (Community Shopping and Commercial, etc.) District regulations, as contained in Section 14. of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances, as special requirements:

(1) That notwithstanding Section 18A(36)(b) a distance not less than 1.5 m shall be provided and maintained between a residential district and the parking area used in conjunction with a restaurant; and,

(2) That notwithstanding Section 18A(36)(b) a distance of not less than 7.5 m shall be provided and maintained between a residential district and the manoeuvring area and the access driveway used in conjunction with a restaurant; and,

(3) That notwithstanding Section 18A(36)(c) a landscaped area of not less than 3.5 m in width shall be provided and maintained along and within the westerly lot line abutting Lottridge Street; and,

(4) That no access shall be permitted from Lottridge Street; and,

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1396, and that the subject lands on Zoning District Map E-32 be notated S-1396; and,

(iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-32 for presentation to City Council; and,

(v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,

(b) That upon finalization of the implementing Zoning By-law, the subject lands be redesignated from "Single and Double Residential" to "Commercial" in the Approved Stipeley Neighbourhood Plan; and,

(c) That Schedule "A" to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-233, be further amended by adding the lands located at No. 184 Lottridge Street, and that the City Solicitor be directed to prepare a Site Plan Control By-law for presentation to City Council.

*** Alderman Geraldine Copps opposed**

3. Relocation of Wesley Urban Ministries (Drop In Centre) - 195 Ferguson Avenue North

Alderman Copps and Alderman Corsini expressed concern that the City not abdicate its responsibility stating that this was a problem area and something should be done.

Joanne Hickey Evans addressed the issue of what was being done to alleviate the problems at the present location and introduced Linda Langston, a representative of Wesley Urban Ministries. Ms. Langston informed the Committee that they were talking with neighbours and working on good neighbour policies, had changed the entrance in order that people were not on the sidewalk, were working with the local police department and also had nurses trying to assist people with mental health issues.

Ms. Langston stated that Wesley Urban Ministries had been unable to find another appropriate site and were liable for the existing site for five years unless they could find someone else to take this on.

Following discussion and, as recommended in a report dated 1998 November 25 from the Director of the Planning and Development Department, the Committee recommended to Council as follows:

> That the City of Hamilton inform Wesley Urban Ministries that due to the criteria and costs associated with the relocation of the Drop in Centre at No. 195 Ferguson Avenue North, the City is unable to assist in its relocation.

*** Alderman Geraldine Copps and Alderman Ron Corsini opposed**

4. **Amended Resolution for ZAC-97-30 - 21 Brantdale Avenue**

As recommended in a report dated 1998 January 28 from the Director of the Planning and Development Department, the Committee recommended to Council as follows:

> That Section 3 of the Second Report of 1998 of the Planning and Development Committee, as approved by Council on 1998 January 27 be amended as follows:
>
> (a) Section 3(c)(i) be deleted and replaced with the following:
>
> "That notwithstanding Section 9A(2)(c)(1), a minimum average lot width of 9.0 m shall be permitted; and,"
>
> (b) Section 3(d)(i) be deleted and replaced with the following:
>
> "That notwithstanding Section 9(4), a minimum lot width of at least 11.43 m and a minimum lot area of 318.0 m^2 shall be permitted; and,"

5. **DELEGATION**

Sergio Manchia, Planning & Engineering Initiatives Ltd. re: Alfrin Court Expropriation Matter: Former Kee/Salvagio Property

The Committee was in receipt of a letter dated 1998 January 28 from Sergio Manchia, Senior Planner with Planning & Engineering Initiatives respecting the above noted matter.

Mr. Manchia attended together with solicitor Jack Restivo on behalf of clients Jerry Amatangelo and Dr. Ross Allega, owners of the Domvir Estates Subdivision located within Alfrin Court.

Mr. Restivo addressed the presentation made at the previous meeting by Mr. Tony Di-Silvestro and stated that the expropriation agreement had nothing to do with his client but that the resultant delay was putting his client's development in jeopardy. He therefore requested the Committee to expedite the Subdivision Agreement as his client had closings due.

Sandy Robinson, solicitor, attended together with Mr. Di Silvestro and explained the agreement which had been entered into between the City and his client in 1991. He provided the Committee with copies of this agreement.

At this point the Committee moved in camera to consider a Private and Confidential Report from the City Solicitor in this regard.

Reconvening in open session the Committee directed as follows:

That staff proceed with the Domvir submission and that no action be taken at this time on the claim from Mr. A. Di Silvestro relative to the expropriation of the relevant lands.

The Committee encouraged Mr. Di Silvestro and staff to meet and further discuss this matter.

6. SITE PLAN REQUIREMENTS

(a) Proposed Modification to Site Plan Requirements

As recommended in a report dated 1998 January 26 from the City Solicitor, the the Committee recommended to Council as follows:

> That the City's Site Plan Agreement Policy requiring the provision of a registered easement in favour of the City be relaxed entirely where site access provisions, satisfactory to the City Solicitor, are included within the Registered Site Plan Agreement and where no encumbrances are registered in priority to the City's Site Plan Agreement.

(b) Security Reductions Related to Site Plan Control

As recommended in a report dated 1998 January 22 from the Building Commissioner, the Committee recommended to Council as follows:

(a) That reductions of security held under Site Plan Agreements be permitted to an amount equal to the total value of the works outstanding, but not less than 10% of the total value of the works required under the Agreement; and,

(b) That reductions be dealt with on a request basis; and,

(c) That a Two Hundred Dollar ($200) administration fee be levied by the Building Commissioner for each security reduction request; and,

(d) That reduction requests be reviewed and processed by the Building Department upon the production by the Applicant, at the Applicant's sole expense, of an Engineer's Certificate, satisfactory to the Building Commissioner, which indicates:

(i) a description of what works have been completed; and,

(ii) the percentage of the total value of the works under the Site Plan Agreement that have been completed to date; and,

(iii) that the amount of security remaining with the City is sufficient to cover the remainder of the work required under the Site Plan Agreement; and,

(e) That the City's Site Plan Agreement be revised accordingly; and,

(f) That the above changes to the City's Site Plan Policy be implemented so as to be retroactive to all Site Plan Agreements on a request by the owner basis.

7. CONSENT AGENDA

The Committee was in receipt of its Consent Agenda and approved the following:

A. ADOPTION OF MINUTES

The minutes of the meeting held 1998 January 21 were adopted as circulated.

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

(i) Barton Village Business Improvement Area (B.I.A.) - 1998-2000 Board of Management

The Committee was in receipt of a report dated 1998 January 29 respecting the above-noted matter and approved the following recommendation:

That Schedule "A" and "B" of By-law No. 87-308, as amended, appointing the Barton Village B.I.A.'s Board of Management be repealed and the following names be substituted:

SCHEDULE "A"

Alderman B. Morelli
Alderman D. Haining

SCHEDULE "B"

Dimitri Boukhers	Farah's Foodmart (tenant)
Jody Hendry	Hendrys Family Shoes (nominated by owner)
Terry Franceour	Mugsy's Place (nominated by owner)
Sandra Manners	Westinghouse Canada Inc. (nominated by owner)
John Hilger	Ways to Wisdom (owner)
John Howard	Econ-o-wash Laundry (owner)
Paul Nusca	Nusca Custom Tailors Ltd. (owner)
Marco Tollis	Riviera Banquet Centre (owner)
Nick LaSala	Nick's Auto Service (owner)
Robert Palmese	Palmese Photodesign Group Inc. (owner)

(ii) **Barton Village Business Improvement Area (B.I.A.) - Proposed Budget and Schedule of Payments for 1998**

The Committee was in receipt of a report dated 1998 January 29 respecting the above-noted matter and approved the following recommendation:

(1) That the 1998 operating budget for the Barton Village B.I.A., attached hereto as Appendix "C", be approved in the amount of thirty thousand dollars ($30,000); and,

(2) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O., 1990, to levy the 1998 budget referenced in (a) above; and,

(3) That the following schedule of payments for 1998 be approved:

February 01	$7,500
March 01	$7,500
June 01	$7,500
September 01	$7,500

NOTE: 1997 levy arrears will be deducted from the payment for 1998.

C. **DIRECTOR OF PLANNING AND DEVELOPMENT**

(i) **Request for Authorization for a Public Meeting for the Stinson Neighbourhood Plan Update**

The Committee was in receipt of a report dated 1998 January 27 respecting the above-noted matter and approved the following recommendation:

That the Planning and Development Committee authorize a public meeting to invite comments on the draft Stinson Neighbourhood Plan.

D. **SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

Information Items

The Committee was in receipt of a report dated 1998 January 29 respecting the above-noted matter and approved the following recommendation:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(i) Information Report dated 1998 january 15 from the Director of Planning and Development/Building Commissioner/Chief Administrative Officer re: Update on City/Region Brownfields Staff Steering Committee.

(ii) Information report dated 1998 January 26 from the director of Planning and Development/Chief Administrative Officer re: Approved Site Plan Control Application - 43 Bigwin Road.

(iii) Information Report dated 1998 January 27 from the City Solicitor re: Application to Remove Part-Lot Control - Bungalows at Chedoke - Draft Plan of Condominium - 60 Rice Avenue.

(iv) The Hamilton-Wentworth District School Board dated 1998 January 16 re: Representative of School Board Assigned to Attend Planning and Development Committee Meetings.

The Committee was advised that additional information had been received since Information Report (iii) had been circulated and that a recommendation would be introduced later in the agenda as Item 9(a).

8. TABLED FROM PREVIOUS MEETING

Revised Draft Plan of Subdivision - James Mount Gardens and Zoning Application 97-24

Sergio Manchia attended and thanked Alderman Kelly for meeting with residents and resolving concerns with regard to the original proposal. It was noted that, as a result, revisions had been made to the recommendations contained in the report dated 1998 January 12 from the Director of the Planning and Development Department. The Committee therefore recommended to Council as follows:

(a) That approval be given to revised Subdivision Application (Regional File No. 25T-91007(R)), 900074 Ontario Inc. (Gordon Construction Company), owner, to establish a draft plan of subdivision "James Mount Gardens", on lands located at 1451-1471 Upper James Street and south-east of DiCenzo Drive, in the Ryckmans Neighbourhood, as shown on the attached map marked as Appendix "D" subject to the following conditions:

(i) That this approval apply to the plan as revised in red, prepared by Planning and Engineering Initiatives Ltd. and certified by B.A. Jacobs, O.L.S., dated May 7, 1997, showing 13 lots for two family dwellings (Lots 1-13), 1 block to be developed in conjunction with adjacent lands for a two family dwelling (Block 21), 2 blocks to be developed in conjunction with the adjacent lands for street townhouses (Blocks 19 and 20), 6 blocks to be developed with the adjacent lands for single detached dwellings (Block 22 and Blocks 26-30, inclusive,), 5 blocks for street townhouses (Blocks 14-18), 1 block for commercial development (Block 23), 2 blocks for 0.3 m reserves (Blocks 24-25), and 3 streets identified as Street "A", Street "B" and DiCenzo Drive Extension, attached as Appendix "D"; and,

(ii) That the Owner establish the following Streets to their full width and that these lands be conveyed to the City of Hamilton prior to registration of the final plan of subdivision to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department:

(1) Regina Drive from Upper James Street to the extension of DiCenzo Drive; and,

(2) DiCenzo Drive be established and constructed northerly from Regina Drive to connect to the existing DiCenzo Drive; and,

(3) Street "A" from the DiCenzo Drive Extension to the south-easterly limits of the draft plan; and,

(4) Street "B" from the southerly limits of the draft plan to Street "A"; and,

(iii) That the applicant/owner purchase lands shown as Parts 1 and 4, on Reference Plan 62R-12942, from the City of Hamilton and fulfil all the conditions of Offer to Purchase as stated in Item No. 27 of the 5th Report of the Transport and Environment Committee approved by City of Hamilton Council on April 11, 1995 prior to registration of the first phase of development; and,

(iv) That Parts 1 and 4 on Reference Plan 62R-12942 be developed only in conjunction with lands at Nos. 1451 and 1471 Upper James Street and that Parts 1 and 4 on Reference Plan 62R-12942 be included in the final plan of subdivision for "James Mount Gardens"; and,

(v) That the applicant/owner pay to the City of Hamilton and/or the Regional Municipality of Hamilton-Wentworth one-half of the costs for the construction of Regina Drive adjacent to Parts 1 and 4 on Reference Plan 62R-12942 excluding oversizing costs; and,

(vi) That the extension of DiCenzo Drive align centreline to centreline with DiCenzo Drive as established by Plan 62M-689 at the north end and Parts 2 and 4 on Reference Plan 62R-12821 at the south end of the draft plan; and,

(vii) That the construction of Regina Drive from Upper James Street to DiCenzo Drive to its full width must be included in the first phase of development of this draft plan and the construction of DiCenzo Drive from Regina Drive to the existing DiCenzo Drive at the north limits of the draft plan must be included with the first phase of development which includes any residential development; and,

(viii) That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of the subject lands; and,

(ix) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes; and,

(x) That the owner prepare and submit a phasing plan to the satisfaction of the Manager, Traffic Planning, Department of

Public Works and Traffic and the Commissioner, Regional Environment Department; and,

(xi) That Streets "A" and "B" be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth; and,

(xii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan; and,

(xiii) That the final plan conform with the Zoning By-law approved under the Planning Act; and,

(xiv) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan; and,

(xv) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,

(xvi) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton; and,

(xvii) That the applicant prepare and implement an erosion and sediment control plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the City of Hamilton. The approved plan will include the following:

(1) All erosion and sediment control measures shall be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated; and,

(2) All erosion and sediment control measures shall be inspected after each rainfall and maintained to the satisfaction of the Authority Engineer; and,

(3) Any disturbed area not scheduled for further construction within 45 days shall be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,

(4) All disturbed areas shall be revegetated with permanent cover immediately following completion of construction; and,

(xviii) That the applicant prepare and implement a storm water management plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the City of Hamilton. This plan shall address water quality and quantity issues in accordance with current provincial guidelines and will ensure that post developments flows will equal pre-development levels; and,

(xix) That the Owner merge in title Blocks 19, 20, and 21 with Block 5 of Registered Plan 62M-689, to the satisfaction of the Director, Planning and Development Department and the City Solicitor; and,

(xx) That the Owner merge in title Block 22 with Lot 19 of Registered Plan 62M-689, to the satisfaction of the Director, Planning and Development Department and the City Solicitor; and,

(xxi) That the Owner merge in title Block 26 with Block 52 of Registered Plan 62M-689, to the satisfaction of the Director, Planning and Development Department and the City Solicitor; and,

(xxii) That the Owner agree in writing that Blocks 27 to 30, inclusive, will be developed in conjunction with the abutting lands; and,

(xxiii) That Blocks 27 to 30, inclusive, and Lot 5 not be registered until such time as Aquasanta Crescent has been extended southerly to provide road frontage for the development of Blocks 27 to 30, inclusive, to the satisfaction of the Director, Planning and Development Department and the City Solicitor; and,

(xxiv) That the owner shall carry out an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading or other soil disturbances shall take place on the subject property prior to the City of Hamilton and the Ministry of Citizenship, Culture and Recreation confirming that all archaeological resources concerned have met licensing and resource conservation requirements; and,

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-91007(R)), 900074 Ontario Inc., owner, revised draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,

(c) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision; and,

(d) That approval be given to amended Zoning Application 97-24, 900074 Ontario Inc. Setay Investment c/o Mr Gordon Albini, owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District modified, for Blocks "1" & "3"; from "C" (Urban Protected Residential, etc.) District to "RT-30" (Street-Townhouse) District, for Block "2"; and from "RT-30" (Street-Townhouse) District to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District modified, for Block "4", to permit development of the

subject lands for Two Family Dwellings (Blocks "1", "3" and "4") and Street Townhouses (Block "2") for the property located at the rear lands of 1451-1471 Upper James Street and south east of DiCenzo Drive, shown on the attached map marked as Appendix "E", on the following basis:

(i) That Blocks "1" & "3" be rezoned from "C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District; and,

(ii) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-30" (Street-Townhouse) District; and,

(iii) That Block "4" be rezoned from "RT-30" (Street-Townhouse) District to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District; and,

(iv) That the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to Blocks "1", "3" and "4" be modified to include the following variance as a special provision:

(1) That notwithstanding Section 10.(4)(ii), a two family dwelling shall provide and maintain a lot width of at least 16.0 m and an area of at least 515.0 m^2 ; and,

(v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1395, and Blocks "1", "3" and "4" on Zoning District Map E-9D be notated S-1395; and,

(vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9D for presentation to City Council; and,

(vii) That the approved Ryckmans Neighbourhood Plan be amended by realigning the road pattern and redesignating Block "2" from "Single and Double Residential" to "Attached Housing", and Block "4" from "Attached Housing" to "Single and Double Residential" upon finalization of the implementing By-law; and,

(viii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,

(e) That Site Plan Control By-law No. 79-275, as amended by By-law 87-233, be amended by adding Block "21" and Lot "2" of Draft Plan of Subdivision for "James Mount Gardens" to Schedule "A".

9. OTHER BUSINESS

(a) City Solicitor - Application to Remove Part-Lot Control - Bungalows at Chedoke - Draft Plan of Condominium - 60 Rice Avenue

Dave Powers of the Law Office referred to the Information Report dated 1998 January 27 from the City Solicitor on the above noted matter. He advised the Committee that, in the interim, the developer had asked for a Part Lot Control By-law and had registered security. Accordingly a revised recommendation was placed before the Committee.

Mr. Rizzo attended on behalf of the developer and stated that he found all the conditions perfectly satisfactory. After consideration the Committee approved the following:

That in respect of a proposed plan of condominium known as the "Bungalows at Chedoke", (located at Rice Avenue, near Chedmac Drive), which condominium received draft plan approval from Council at its meeting held on 1997 June 24, (Item 14, Tenth Report, Planning and Development Committee), the said approval be amended by adding the following:

(a) That approval also be given to Part-Lot Control Application 98-01, submitted by Bungalows at Chedoke Limited Partnership, represented by its General Partner, Pica Group Inc., the developer, for a By-law to remove part-lot control from those portions of the Condominium Plan described as Parts 1 and 2, on Reference Plan 62R-14417 as shown on the map annexed hereto and marked as Appendix "F" , which portions are intended to be the subject of transfers of rights-of-way in favour of Chedoke Health Corporation, the owner of adjacent land; and,

(b) That the said By-law to lift part-lot control be restricted to a time period expiring on 1999 January 30; and,

(c) That once the City Clerk is notified that the said plan of condominium has been registered, the said By-law be presented to Council for enactment; and,

(d) That following enactment of the said By-law, The Regional Municipality of Hamilton-Wentworth, (as delegate of the Minister of Municipal Affairs), be requested to grant approval to the By-law and endorse its approval on the By-law; and,

(e) That after the said By-law is so approved, the developer be authorized to register the said By-law on title to the condominium plan; and,

(f) That the conditions of Condominium approval also include the following conditions:

(i) the developer be required, prior to registration of the condominium plan, to register on title to the condominium site and the adjacent land, an Agreement of Purchase and Sale, (conditional upon the said by-law or Committee of Adjustment Consent), to transfer the said rights-of-way to the owner of the adjacent Phase II lands; and,

(ii) the developer be required, following registration of the said by-law to lift part-lot control or following Committee of Adjustment Consent, to cause the new Condominium Corporation to transfer the said rights-of-way free and clear of all encumbrances to the owner of the adjacent Phase II land; and,

(iii) the developer agree to file with the City $15,000 security to be held until the developer's lawyer has certified to the City that these conditions have been fulfilled; and,

(iv) the City's Condominium Approval Agreement to be entered into with the developer shall include these conditions.

(b) **Alderman Caplan - Parking Restrictions**

The Committee was in receipt of a letter dated 1998 from Alderman Marvin Caplan in which he referred to parking restrictions. He requested that staff be instructed to report back on this issue with an eye to removing parking restrictions in areas which are already built-up in the lower city.

Ald. Copps stated that she had already asked staff to look at this situation.

The Committee subsequently directed staff to report back in this regard.

10. ADJOURNMENT

There being no further business, the Committee meeting then adjourned.

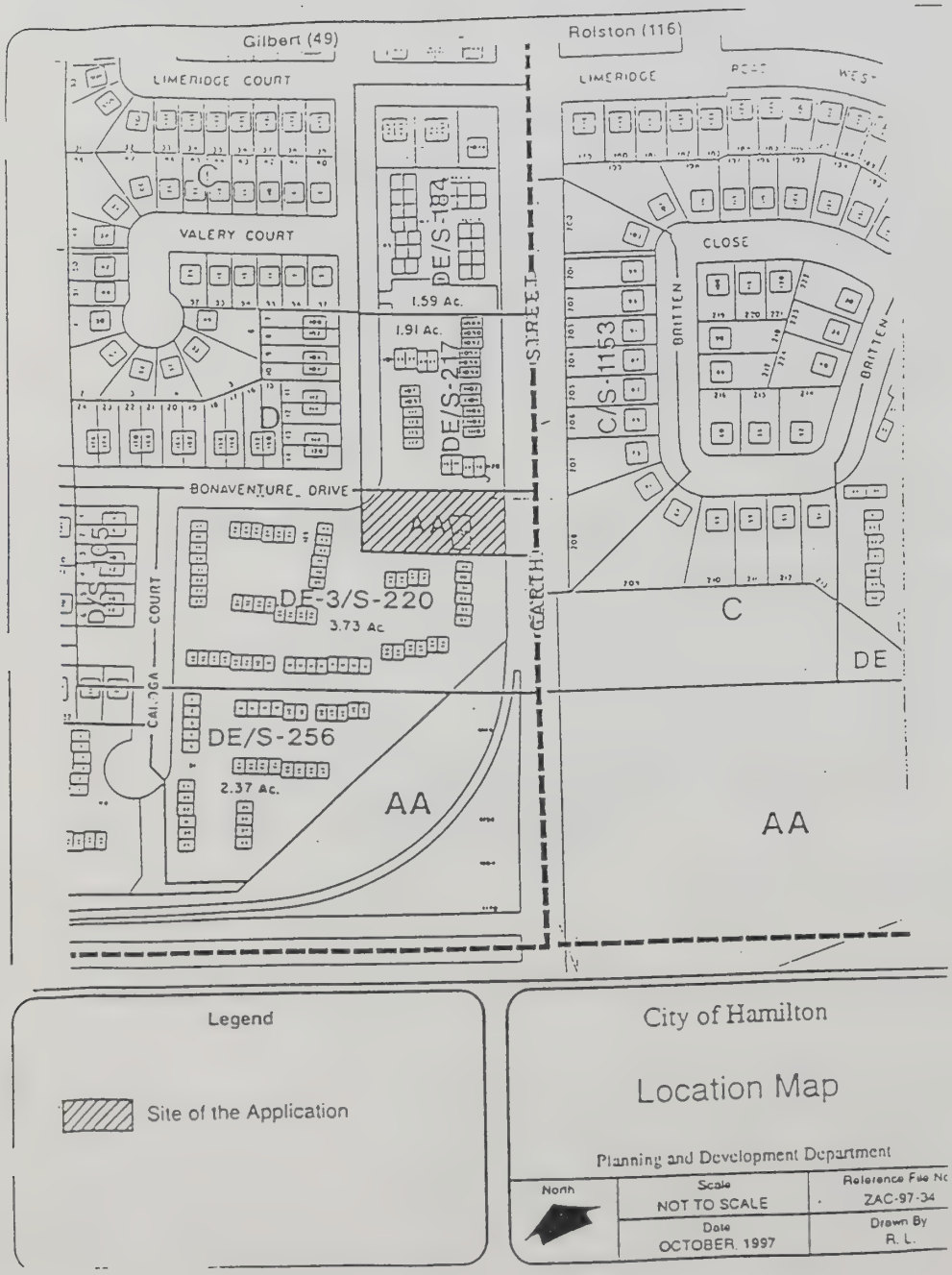
Taken as read and approved.

Alderman F. D'Amico, Chairman
Planning and Development Committee

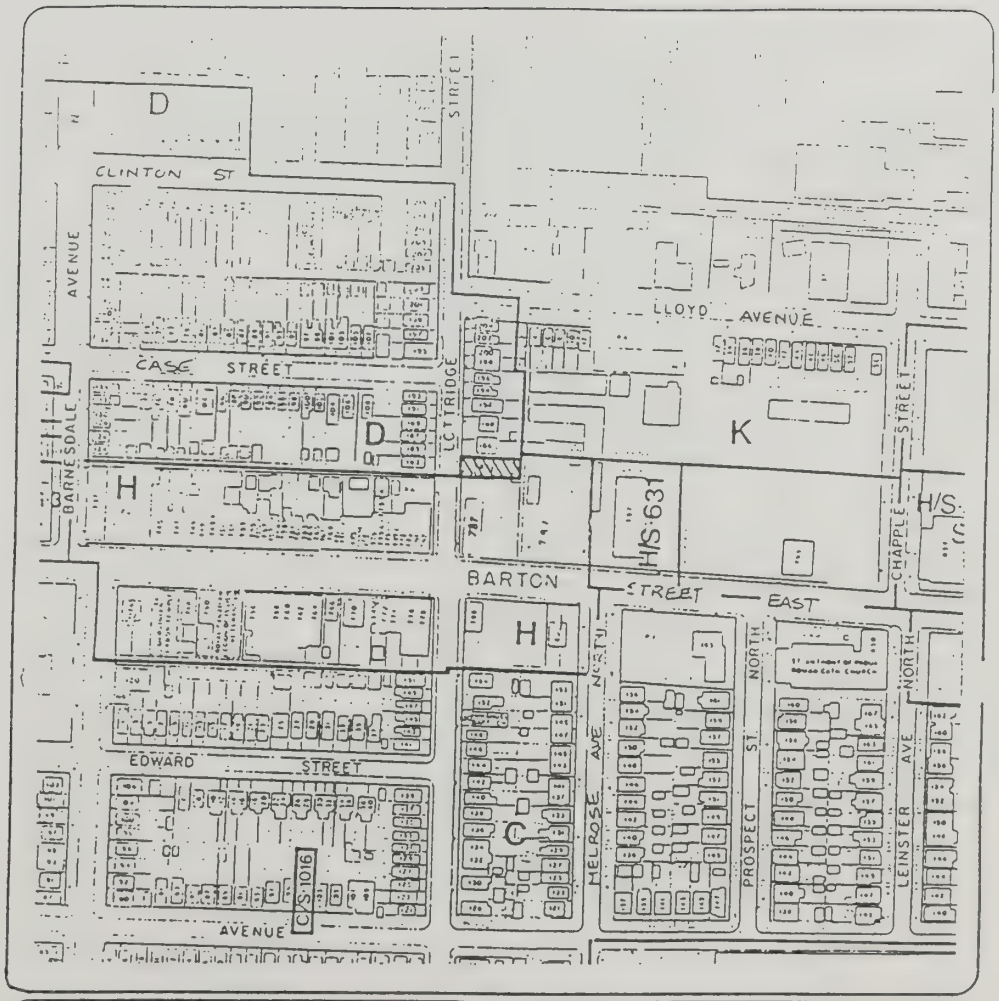
Stella Glover
Secretary

/jt

Appendix "A" as referred to in Section 1(a)
of the Planning and Development Committee
Minutes dated 1998 February 4



Appendix "B" as referred to in Section 2(a)
of the Planning and Development Committee
Minutes dated 1998 February 4



Legend

Site of the Application

City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File No
	NOT TO SCALE	ZAC-97-40
	Date	Drawn By
	December, 1997	R L

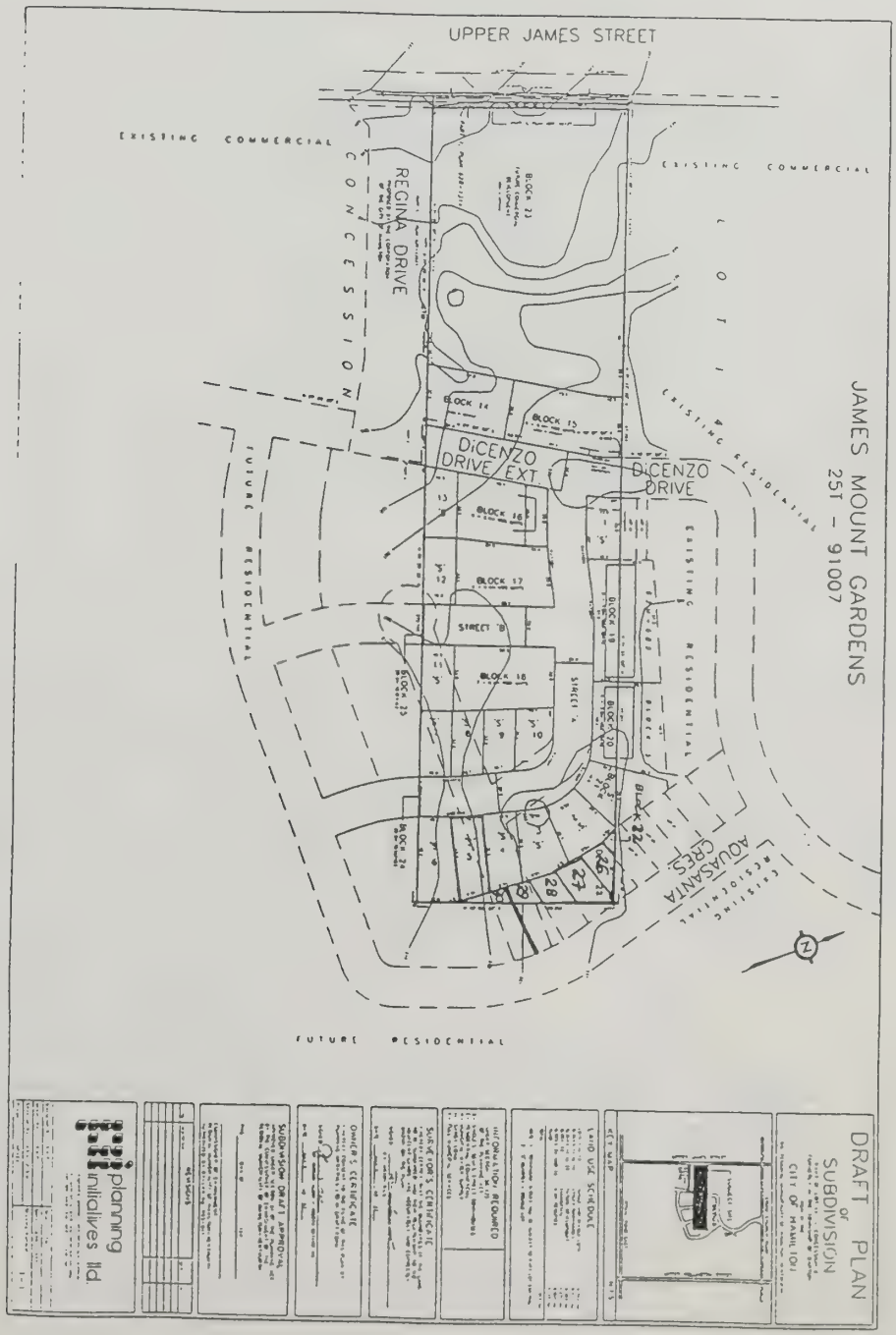
Appendix "C" as referred to in Section 7B.(ii)(1)
of the Planning and Development Committee
Minutes dated 1998 February 4

BARTON VILLAGE BUSINESS IMPROVEMENT AREA'S (B.I.A.'S)

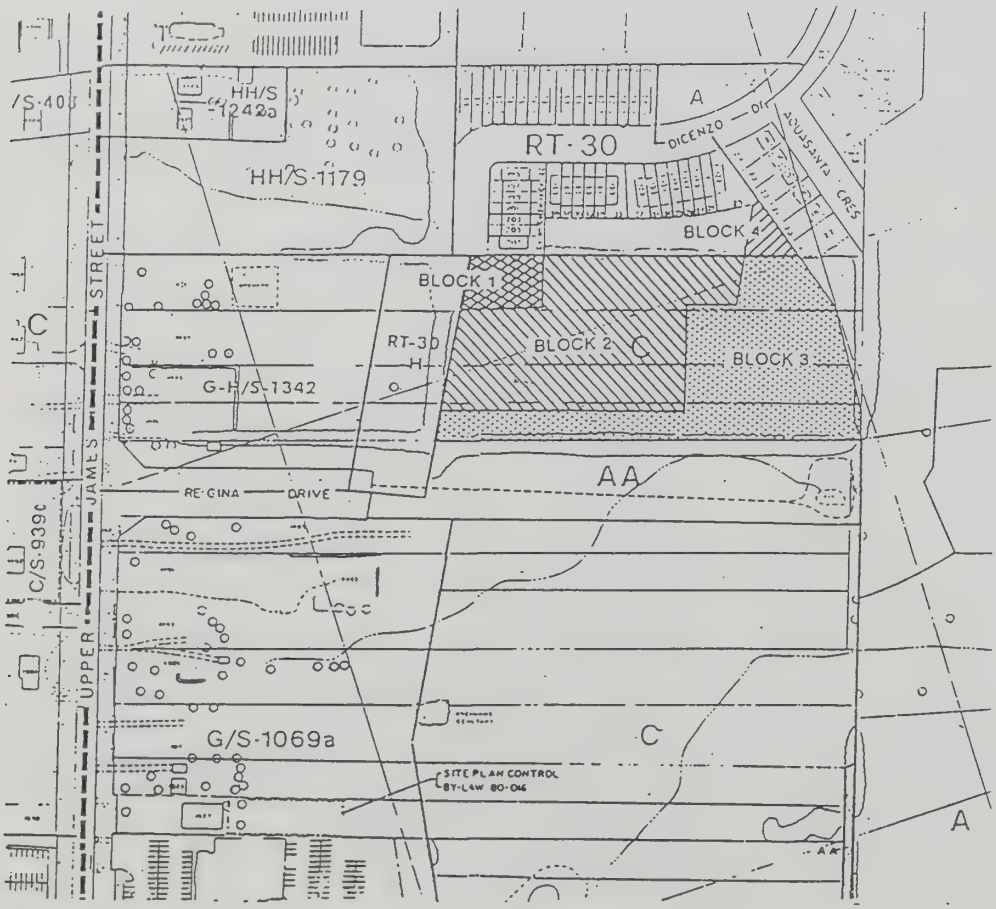
1998 OPERATING BUDGET

COMPONENTS		AMOUNT
Wages		$6,000.
Rent/Phone		$ 800.
Insurance		$ 810.
Hall Rental/Dinners (BIA Meetings)		$ 490.
Allowance for Uncollected Levies	$1,300.	
Statue Donation		$ 500.
Audit Fee		$ 400.
Administration/Office Equipment	$ 500.	
Christmas Decoration Installation/Removal	$1,000.	
Advertising		$6,000.
Special Events/Consultant Fees		$6,000.
Business Development Fund	$6,200.	
TOTAL		**$30,000.**

Appendix "D" as referred to in Section 8(a)
& 8(a)(i) of the Planning and Development
Committee Minutes dated 1998 February 4



Appendix "E" as referred to in Section 8(d)
of the Planning and Development Committee
Minutes dated 1998 February 4



Legend

Proposed change in zoning from:

BLOCK 1	"C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential - One and two Family Dwellings, etc.) District, Modified.
BLOCK 2	"C" (Urban Protected Residential, etc.) District to "RT-30" (Street - Townhouse) District.
BLOCK 3	"C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential - One and two Family Dwellings, etc.) District, Modified.
BLOCK 4	"RT-30" (Street - Townhouse) District to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Modified

ZAC-97-24

Appendix "F" as referred to in Section 9(a)
of the Planning and Development Committee
Minutes dated 1998 February 4



B.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 February 12

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Doug Lobo, Commissioner
Department of Public Works & Traffic

SUBJECT: Main Street West Esplanade
Business Improvement Area (B.I.A.)
1998-2000 Board of Management

RECOMMENDATION:

That Schedule 'B' of By-law No. 98-045, as amended,appointing the Main Street West Esplanade B.I.A. Board of Management be repealed and the following names substituted.

SCHEDULE 'B'

J. Bourinot	415 Main Street West, Dairy Queen, (Owner/Tenant)
I. Kobylanski	354 Main Street West, Izzy's Restaurants, (Owner/Tenant)
J. Castellano	287 Main Street West, Castellano Real Estate, (Owner/Tenant)
J. Morrison	65 Locke Street, Royal Bank, (Owner/Tenant)
B. Hughes	443 Main Street West, Tim Hortons, (Owner/Tenant)
M. Gunn	428 Main Street West, Mor Car Wash, (Owner/Tenant)
M. Farrugia	271 Main Street West, (Owner)

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:
N/A

BACKGROUND:

The Main Street West Esplanade B.I.A. held its Annual General Meeting 1998 January 28. At its meeting the B.I.A.'s general membership elected its Board of Management for 1998-2000 cognizant that Bill 106 comes into force 1998 January 01 and, that the make-up of the Board must include both owners and tenants.

The establishment of a Steering Committee to address the process for 1998 B.I.A. budgets and 1998-2000 B.I.A. Board of Management, given the recent passing of Bill 106, was approved by City Council at its meeting held 1997 September 30. The process followed to elect the Main Street West's Board of Management for 1998-2000 was in accordance with the Steering Committees' recommendations. The initial findings of the Steering Committee have been forwarded to the members of the Planning and Development Committee by way of an Information Report dated 1997 November 10.

c.c. Ms. J. Morrison, Co-Chairman
Mr. M. Gunn, Co-Chairman
Ms. P. Noe Johnson, City Solicitor, Law Department
Attn: Mr. A. Zuidema, Solicitor

JP/jp

C (i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 February 11
ZAC-96-05
Ryckmans Neighbourhood

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Amended Resolution for ZAC-96-05 - 177 Rymal Road East

RECOMMENDATION:

That Section 1B of the Seventh Report of the Planning and Development Committee, as approved by City Council on 1997 April 29 (attached as APPENDIX "A") be amended by deleting Section B(a)(iv) in its entirety and that Sections B(a)(v), B(a)(vi) and B(a)(vii) be renumbered to B(a)(iv), B(a)(v) and B(a)(vi) respectively.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Planning and Development Committee Meeting - April 22, 1997

Planning and Development Committee, at its meeting of December 4, 1996, approved Subdivision Application 96-01 ("Olmsted Park") and Zoning Application 96-05 to permit the development of 19 lots for single detached dwellings.

DISCUSSION:

At the request of the applicant, the amending by-law was not forwarded to Council for adoption in order for the applicant to prepare a servicing study to determine the extent of the proposed development that could be serviced from Rymal Road East.

Due to servicing concerns, the Regional Environment Department, Development Division recommended that Lots 1 - 5 inclusive, and Lots 15 - 19 inclusive, should be placed in a holding zone to prohibit the development of the subject lands until such time as the services can be extended through the abutting lands to service the proposed development or alternatively the applicant demonstrating that the subject lands can be serviced from Rymal Road East. In this regard, the Regional Environment Department has advised that:

> "We have received and reviewed Engineering drawings from A.J. Clarke & Associates Ltd. which demonstrate the feasibility of constructing sanitary and storm sewers for the above referenced subdivision to flow westerly along Street "A" to Rymal Road East. We have also received a consent letter from the adjacent land owner with respect to fill.
>
> Therefore, based on the above the holding provision in the zoning by-law is no longer required."

As the applicant has demonstrated that the subject lands can be serviced from Rymal Road East, it is appropriate to amend Council's resolution of 1997 April 29 on this matter.

CONCLUSION:

Based on the foregoing, an amended resolution can be supported.

SR/sr
ZA-96-05.4th

1(B) That approval be given to Amended Zoning Application ZAC-96-05, **Paul Silvestri, owner,** for changes in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District (Block "1"), "R-4" - 'H' (Small Lot Single Family - Holding) District (Block "2") and "C" (Urban Protected Residential, etc.) District (Block "3"), for lands located north of Rymal Road East and west of Upper Wellington Street, known municipally as 177 Rymal Road East and 1684 Upper Wellington Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District;

(ii) That Block "2" be rezoned from "AA" (Agricultural) District to "R-4" - 'H' (Small Lot Single Family - Holding) District;

(iii) That Block "3" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

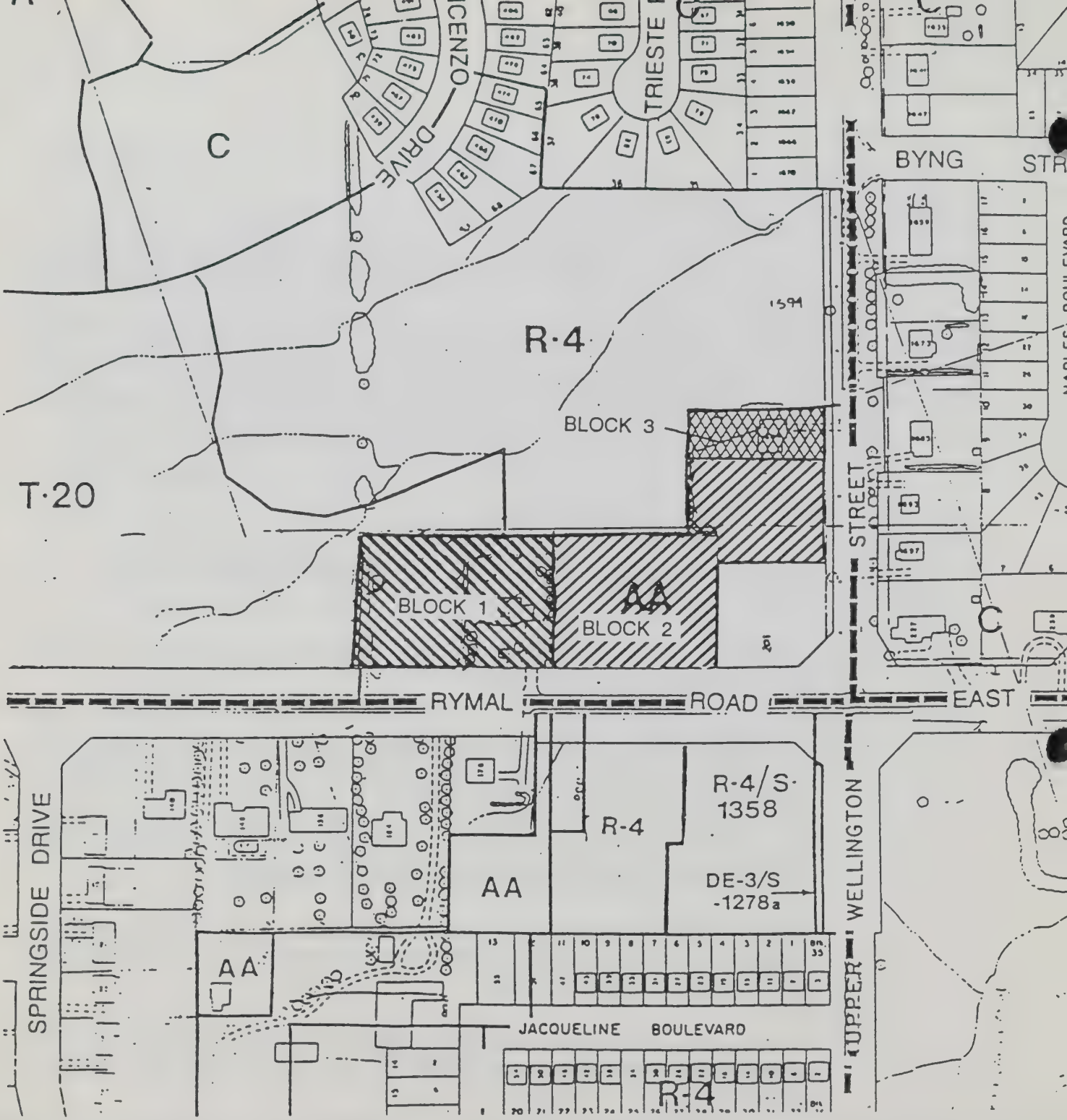
(iv) That the amending By-law applicable to Block "2" apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as the availability of all such municipal services for the subject lands as the City deems necessary to service the proposed development.

City Council may remove the 'H' symbol, and thereby give effect to the "C" District, provisions as stipulated in the By-law by enactment of an amending By-law once the condition is fulfilled;

(v) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - 1379, and that the Block "1" on Zoning District Map W-17B be notated S - 1379;

(vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9D for presentation to City Council; and,

(vii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.



Legend

Proposed change in zoning :

BLOCK 1	"AA" (Agricultural) District, to "R-4" (Small Lot Single Family Dwelling) District.
BLOCK 2	"AA" (Agricultural) District to "R-4" -'H' (Small Lot Single Family Dwelling- Holding) District
BLOCK 3	"AA" (Agricultural) District, to "C" (Urban Protected Residential, etc) District

ZAC-96-
SAC-96

C (ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 February 10
Gershome Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Extension of Draft Plan Approval
"Battleridge" Subdivision (File No. 25T-76024)

RECOMMENDATIONS:

(a) That the Region be requested to approve the request by A.Fletcher, agent, to extend draft plan approval for "Battleridge" subdivision under Regional File No. 25T-76024 for a further one (1) year period to February 28, 1999, subject to the following revisions to the conditions of draft plan approval:

i) That Condition b) be deleted as it is no longer required;

ii) That Condition c) be amended to state "That no more than 100 units be allowed to be developed from a single access road, on a temporary basis.";

iii) That Condition e) be deleted as it is no longer required;

iv) That Condition p) be revised to delete the reference to the Ministry of Transportation and Communications and the Regional Engineering Department and substitute "to the satisfaction of the Commissioner of the Regional Environment Department as well as the Commissioner of the Transportation Department".

v) That Condition p) be further revised to delete the reference to Highway No. 20 and refer to the road as Centennial Parkway.

vi) That Condition q) be deleted in its entirety and replaced with the following:

"That the Owner erect a 1.8 metre chain link fence along the entire frontage of Centennial Parkway with the exception of any approved portions, to the satisfaction of the Commissioner, Regional Environment Department. The fence is to be 100% developer's cost."

vii) That Condition r) be deleted in its entirety and replaced with the following:

"That 0.30 metre reserves be transferred to the Region along the entire frontage of Centennial Parkway except for any approved portions to the satisfaction of the Commissioner of the Regional Environment Department."

viii) That Condition s) be deleted in its entirety and replaced with the following:

"That the owner retain the services of a qualified Professional Engineer for the preparation of a detailed Noise Study in order to determine what measures are to be taken by the developer for noise generated by Centennial Parkway and that the developer implement noise mitigation measures to the satisfaction of the Commissioner of the Regional Environment Department."

(b) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

(c) That the approved Gershome Neighbourhood Plan be amended to delete the temporary slip-off lane and the permanent slip-off lane from Centennial Park into the interior of the Gershome Neighbourhood.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Location:

The "Battleridge" subdivision is located in the Gershome Neighbourhood south of King Street East and east of Greenhill Avenue (see Appendix "A").

Owner:

Sunshine Homes and DiCenzo Construction Ltd.

History:

The "Battleridge" subdivision was originally draft approved on August 29, 1980. The subdivision is for 77 lots for single family dwellings, 31 lots for semi-detached dwellings (62 units) and 3 blocks for townhouse dwellings (approximately 149 units). Phase 1 was registered in September, 1982 and was for 51 lots for single family dwellings. Phase 2 (under separate file as part of a previous townhouse block) was registered in 1984 for 18 lots for single family dwellings.

Draft plan approval has been extended annually since 1983. In January, 1993, draft plan approval was extended for 3 years. The present approval lapses on February 28, 1998. The applicant's agent has requested a further extension to allow the applicant to finalize negotiations with the City and Region regarding the Phase 3 subdivision agreement.

COMMENTS FROM CIRCULATION:

The Traffic Division, Department of Public Works and Traffic has advised:

"We have reviewed the Traffic Impact Study for the proposed Battleridge and Nash Orchards Height South subdivisions prepared by Tranplan Associates and agree with the recommendation that a temporary slip-off lane from Centennial Parkway into the neighbourhood is not required for Battleridge Phase 3 and 4. There is also no clearly defined need for the permanent slip-off land to accommodate full development of the Nash Orchard Height South subdivision. We have discussed the Traffic Impact Study with the Regional Roads Department and they are in agreement with the recommendations.

The Gershome Neighbourhood Plan should be amended, the subdivision redesigned and the conditions amended to reflect these changes."

The Regional Environment Department, Development Engineering Section has advised:

"Our office has no objection with an extension to the approved draft plan for the Battleridge subdivision, however, we recommend that the existing draft plan conditions be revised in order to reflect today's standards and current conditions of the Region and the City of Hamilton."

The Regional Environment Department further advised that the following conditions should be revised:

"Condition b) This condition is no longer required and can be deleted.

Condition c)	To be amended to state "That no more than 100 units be allowed to be developed from a single access road, on a temporary basis.";
Condition e)	This condition is no longer required and can be deleted.
Condition p)	To be revised. Delete reference to the Ministry of Transportation and Communications and the Regional Engineering Department and substitute "to the satisfaction of the Commissioner of the Regional Environment Department as well as the Commissioner of the Transportation Department. Also, delete reference to Highway No. 20 and refer to the road as Centennial Parkway.
Condition q)	That the Owner erect a 1.8 metre chain link fence along the entire frontage of Centennial Parkway with the exception of any approved portions, to the satisfaction of the Commissioner, Regional Environment Department. The fence is to be 100% developer's cost.
Condition r)	That 0.30 metre reserves be transferred to the Region along the entire frontage of Centennial Parkway except for any approved portions to the satisfaction of the Commissioner of the Regional Environment Department.
Condition s)	That the owner retain the services of a qualified Professional Engineer for the preparation of a detailed Noise Study in order to determine what measures are to be taken by the developer for noise generated by Centennial Parkway and that the developer implement noise mitigation measures to the satisfaction of the Commissioner of the Regional Environment Department."

COMMENTS:

1. The original conditions of draft plan approval have been reviewed to determine if they are still applicable to the development. The Regional Environment Department has advised that they have no objection to the approval of the request for a one year extension subject to the conditions of draft plan approval being revised to reflect current municipal requirements.

2. In 1997, a further one year extension was granted to provide the applicant with sufficient time to allow for the resolution of the temporary turn-off lane. The applicant has undertaken a Traffic Impact Study for the proposed Battleridge and Nash Orchards Height South subdivisions. The Traffic Division and the Regional Roads Department have reviewed the traffic impact study and concur with the conclusions that a temporary slip-

off lane from Centennial Parkway into the neighbourhood is not required for Battleridge Phase 3 and 4.

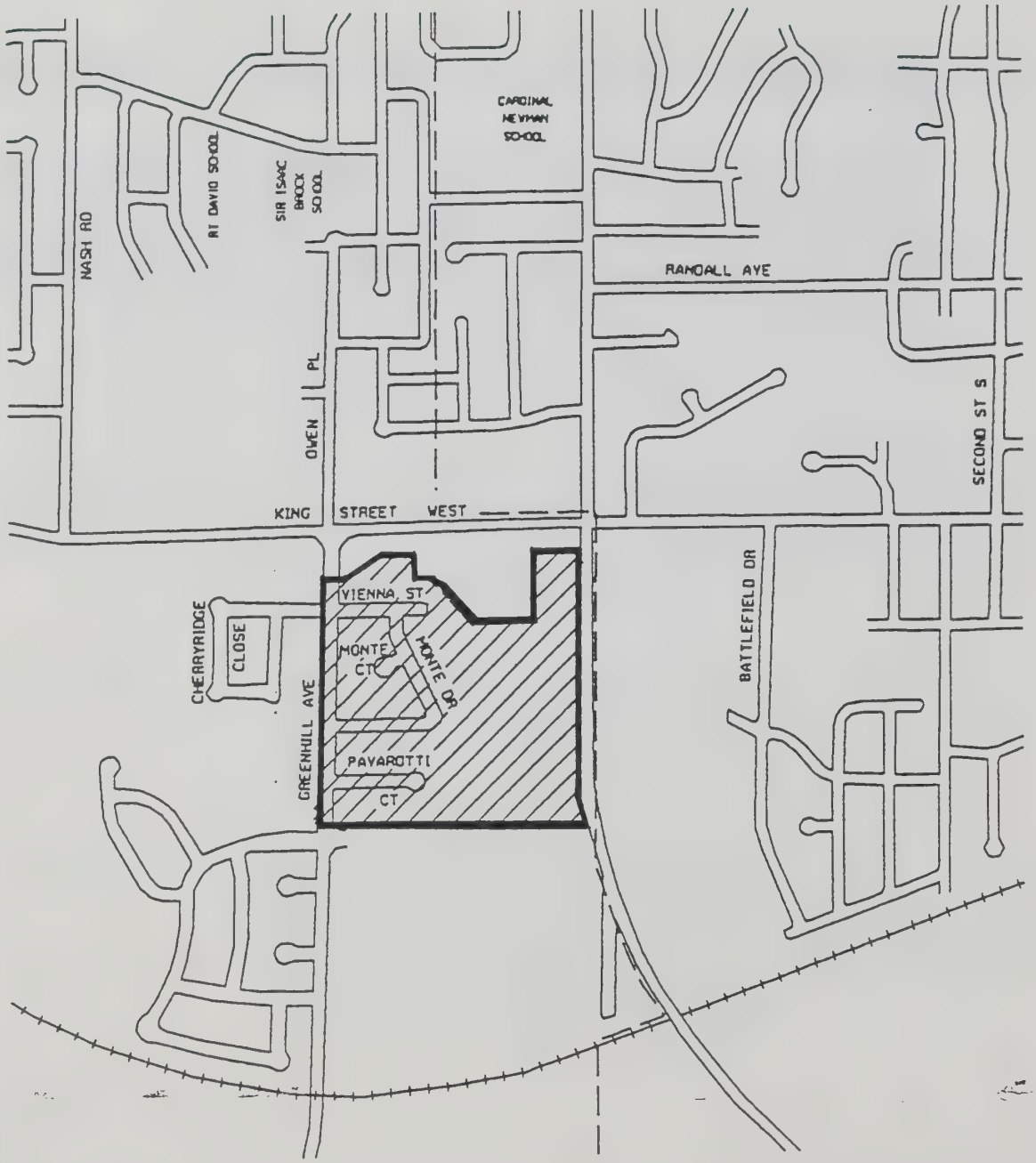
In addition, the Traffic Impact Study has demonstrated that there is no longer a clearly defined need for a permanent slip-off lane from Centennial Parkway to accommodate the full development of the Nash Orchard Height South subdivision. Planning and Development Department staff have been advised, in writing, that the affected land owners have no objection to the removal of the permanent slip-off land from the Gershome Neighbourhood Plan.

CONCLUSION:

Based on the foregoing, a further one year extension of draft approval can be supported.

SR:sr

GERSHOME No. 47



City of Hamilton

Location Plan For

"Battleridge Subdivision"

Planning and Development Department

Legend

Area of Plan of Subdivision

North	Scale	Reference File No.
	Not to Scale	25T-76024
	Date	Drawn By
	FEBRUARY, 1997	B. B.

D.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 February 10

REPORT TO: Stella Glover, Secretary
Planning & Development Committee

FROM: Debbie-Ann Rashford, Acting Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: **Fearman House, 90 Stinson Street:**
Revised Plans for Proposed Alterations/Additions

RECOMMENDATION:

That approval be given to the revised elevation plans for the Fearman House at 90 Stinson Street, of "door 101A exterior" (located on the west side of the central tower front entrance), dated 1998 January 20, attached hereto and marked as Appendix "A", as an amendment to the Heritage Permit approved by City Council on 1997 March 25.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

In accordance with the provisions of the Ontario Heritage Act, any changes to the designated facades (north, east and west) require Council approval through the Heritage Permit process. This includes alterations to the existing building as well as any new additions.

BACKGROUND:

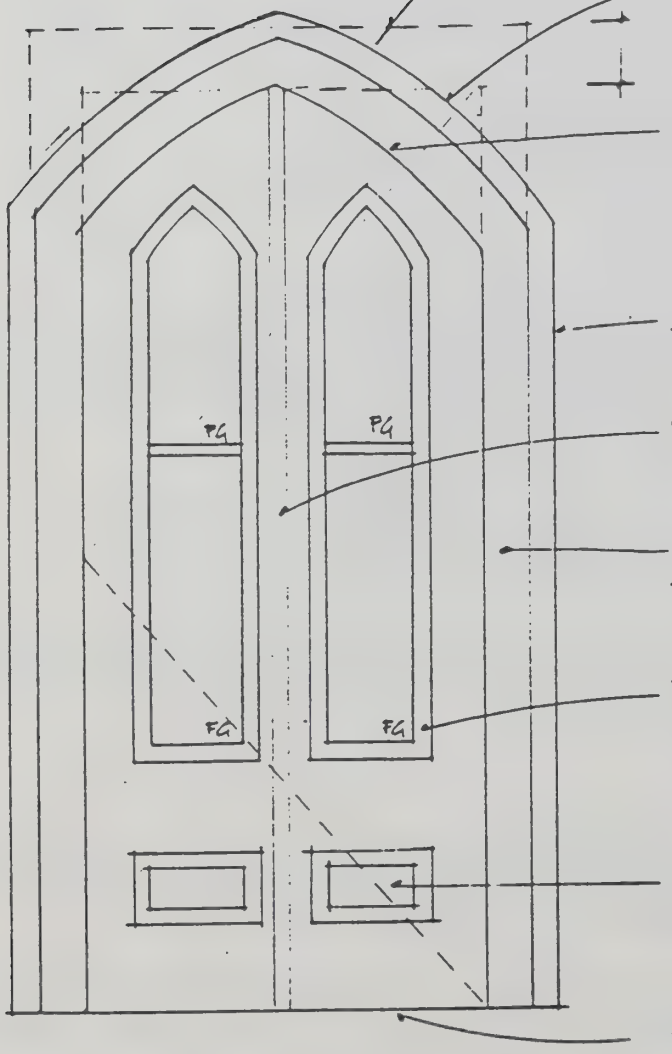
After a Heritage Permit for the proposed alterations was approved by City Council at its meeting held 1997 March 25, revised plans involving minor changes to permit barrier free access on the west side of the central tower front entrance. As a result, the Heritage Permit needs to be amended.

On 1998 January 20 the Local Architectural Conservation Advisory Committee's (LACAC) Research Sub-Committee examined revised plans and determined that the changes did not adversely affect any designated features.

At the 1998 February 9 LACAC meeting, the Committee received a report from the Research Sub-Committee respecting the revised plans for Fearman House at 90 Stinson Street, and approved the foregoing recommendation.

attch.

c.c. V.J. Abraham, M.C.I.P., R.P.P., Director, Regional Planning Division
N. Chapple, Architectural Historian, Regional Planning Division



DASHED LINE NOTES LINE OF OPENING INSIDE

LINE OF STONE ARCH

OPERATOR TO BE MOUNTED INSIDE

VISIBLE JOINTING OF WOOD

EXISTING WOOD FRAME

WOOD TRIM

± 6" INFILL BOTH SIDES THICKNESS TO MATCH EXISTING

TRIM AT GLAZING TO MATCH EXISTING

WOOD PANEL AND TRIM TO MATCH EXISTING

EXISTING STONE SILL

INTERIOR SIMILAR, TO MATCH TRIM PROFILES OF EXISTING

90 STINSON STREET
HAMILTON, ONTARIO

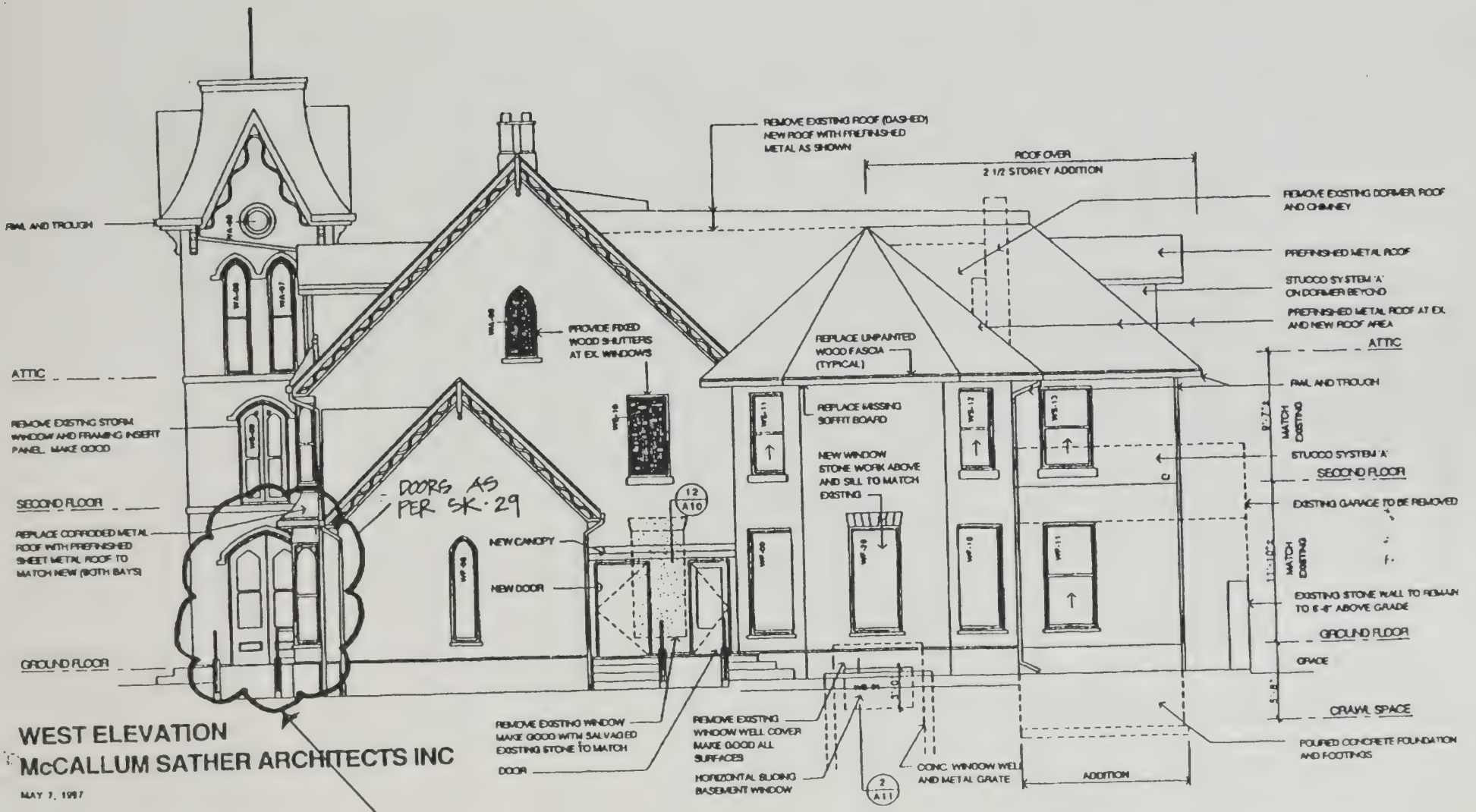
DRAWING: DOOR 101A EXTERIOR ELEVATION - REVISED

McCallum Sather Architects Inc

DATE: JAN 20/98
SCALE: 1/2" = 1'0"

96-08S(R)

SK NO. 32



WEST ELEVATION
McCALLUM SATHER ARCHITECTS INC

MAY 7, 1997

WEST ELEVATION

LOCATION OF DOORS
(PRIOR TO ALTERATION)

E

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 February

REPORT TO: Alderman F. D'Amico, Chairperson & Members,
Planning and Development Committee

FROM: Stella Glover, Secretary
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Information Report from the Director of Planning & Development re Approved Site Plan Control Application - DA-97-37 - north-east of Rice Avenue on Sanatorium Road

(b) Information Report from the Director of Planning & Development dated 1998 February 10 re Subdivision and Condominium Delegation and Official Plan Amendment Exemption

(c) Information Report from the Director of Planning & Development dated 1998 February 5 re Loan Decrease-Commercial Property Improvement Loan Program - 417 Barton Street East

(d) Information Report from the Hamilton Historical Board dated 1998 February 12 re Historic Core of McMaster University - Designation under the Ontario Heritage Act

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

Stella Glover

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure is recorded for these matters.

URBAN / MUNICIPAL
CA4ONHBLAOS
CSIP4
1998

Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

URBAN MUNICIPAL
MAR 6 1998
GOVERNMENT DOCUMENTS

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1998 March 4
9:30 o'clock a.m.
Room 233, City Hall

Stella Glover, Secretary
Planning and Development Committee

AGENDA

1. **PUBLIC MEETINGS - 9:30 O'CLOCK A.M.**

   (a) Zoning Application 98-01, by Dr. C. Mielke, prospective owner, for a further modification in zoning to the established "HH" District for lands located at 867 Upper Paradise Road.

   (b) Zoning Application 97-38, by Little Three Ontario Limited, owner, for a change in zoning from "AA" District and "C" District to "HH" District for lands located at 75 Rymal Road East.

   (c) Zoning Application 97-28, by Mohawk College of Applied Arts and Technology, owner, for a modification to the established "B" District for lands located at 135 Fennell Avenue West.

      (i) Submission - Dr. A. R. C. Butson

      (ii) Submission - Thomas Van Zuiden

      (iii) Submission - Gordon R. Talbot

      (iv) Submission - Robert and Margaret Howarth

      (v) Submission - Brian W. B. Morison

      (vi) Submission - Sheila Evans

2. **LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE**

Designation - Historic Core of McMaster University: University Hall, Hamilton Hall, Wallingford Hall, the Refectory, Edwards Hall, Alumni Memorial Hall (tabled from previous meeting)

(a) Submission - Cyrus M. Jeejeebhoy

(b) Submission - Leslie J. King

(c) Submission - Brian W. B. Morison

(d) Submission - Derek Clark

(e) Submission - Ontario Heritage Foundation

(f) Submission - The Architectural Conservancy of Ontario

(g) Submission - McMaster University Faculty Association

(h) Submission - Professor Alwyn Berland

(i) Submission - Dr. Peter George

3. **DIRECTOR OF PLANNING AND DEVELOPMENT**

(a) Urban Entertainment Centres

(i) Central Area Plan Implementation Committee - support for the Urban Entertainment Centres

4. **DIRECTOR OF PLANNING AND DEVELOPMENT/BUILDING COMMISSIONER/CHIEF ADMINISTRATIVE OFFICER**

Procedures for the Identification/Remediation of Potentially Contaminated Sites under the Planning Act Review Process

5. **COMMISSIONER OF PUBLIC WORKS AND TRAFFIC**

Final Lot Grading and Sodding Contract for Various Subdivisions in Hamilton During 1998

6. CONSENT AGENDA

7. OTHER BUSINESS

8. ADJOURNMENT

CITY OF HAMILTON

- RECOMMENDATION -

1. (a.)

DATE: 1998 February 24
ZAC-98-01
Gilkson Neighbourhood

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a modification in zoning - 867 Upper Paradise Road.

RECOMMENDATION:

(a) That approval be given to Zoning Application ZAC-98-01, **Dr. C. Mielke, prospective owner,** for a further modification in zoning to the established "HH" (Restricted Community Shopping and Commercial, etc.) District regulations for lands located at 867 Upper Paradise Road, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That By-law No. 94-041 be repealed in its entirety;

(ii) That Subsection 2(a) of Zoning By-law No. 88-145 be deleted in its entirety;

(iii) That Subsection 2(b)(i) of Zoning By-law No. 88-145 be deleted in its entirety;

(iii) That Subsection 2(c)(i) of Zoning By-law No. 88-145 be deleted in its entirety;

(iv) That Subsection 2(c)(ii)(a) of Zoning By-law No. 88-145 be deleted in its entirety and replaced with the following:

a planting strip not less than 6.0 m in width shall be provided and maintained; and,

(v) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to the subject lands, be further modified to include the following variances, as special

requirements:

1) That notwithstanding Section 14A(1) of Zoning By-law No. 6593, only a business or professional person's office having a total gross floor area of not more than 230 sq.m (2,475 sq.ft.) shall be permitted;

2) That notwithstanding Section 14A(2) of Zoning By-law No. 6593, no building shall exceed 1 storey, and no structure shall exceed 8.0 metres in height; and,

3) That notwithstanding Section 18A.(1)(a) of Zoning By-law No. 6593, a minimum of 12 parking spaces shall be provided and maintained.

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - 1074b, and that the subject lands on Zoning District Map E-18 be notated S - 1074b;

(v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-27C for presentation to City Council; and,

(vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the proposed by-law is to provide for a further modification in zoning to the established "HH" (Restricted Community Shopping and Commercial, etc.) District regulations for lands located at 867 Upper Paradise Road as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit a 1 storey building restricted to business or professional person's office uses. The building would be a maximum size of 230 sq.m (2,475 sq.ft.) and one storey in height.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The application for a modification in zoning is to permit the redevelopment of the subject lands for a 1 storey office building. The conceptual development plan submitted by the applicant is for a 228 m^2, 1 storey office building (see APPENDIX "B").

Zoning Application 88-10

In April, 1988, City Council approved Zoning Application 88-10. The zoning application was for a change in zoning from "D" (Urban Protected Residential - One and Two Family, etc.) District to "R-4" (Small Lot Single Family Dwelling) District (Block 1) and "HH" (Restricted Community Shopping and Commercial, etc.) District (Block 2, being 867 Upper Paradise Road) (see APPENDIX "C"). The implementing Zoning By-law (88-145) was subsequently appealed to the Ontario Municipal Board (OMB).

In approving Zoning By-law 88-145, the OMB restricted the use of Block 2 to only a coin-operated, manual car wash building or structure. Block 2 was never redeveloped for a car wash.

APPLICANT:

Dr. C. Mielke, prospective owner.

LO[illegible]E AND AREA:

- 24.39 m of lot frontage along Upper Paradise Road;
- 40.54 m of lot depth; and
- 988.8 m^2 of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Single Detached Dwelling	"HH" (Restricted Community Shopping and Commercial) District, modified
Surrounding Land Use		
to the north	Residential	"R-4" (Small Lot Single Family Dwelling) District

to the south	Commercial	"HH" (Restricted Community Shopping and Commercial) District, modified
to the east	Multiple Family (Block Townhouses)	"D" (Urban Protected Residential - One and Two Family, etc) District, modified
to the west	Multiple Family (Apartment Building)	"E-2" (Multiple Dwellings) District

OFFICIAL PLAN:

The lands are designated **Commercial** on Schedule 'A' - Land Use Concept of the City of Hamilton Official Plan. The proposed modification complies with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial" in the approved Gilkson Neighbourhood Plan. The proposed medical office complies with the approved Neighbourhood Plan.

COMMENTS RECEIVED:

- The Building Department has advised:

"1. The existing zoning permits "only a coin-operated, manual car wash building or structure may be erected" on the site as approved by By-law No. 88-145 and further amended by By-law No. 94-041 based on the Ontario Municipal Board decision.

2. The proposed medical office use is a permitted use under the "HH" District. The existing by-law, with respect to the subject lands, should either be amended or repealed in its entirety.

3. Upon review of the plan submitted, the following comments are submitted:

a) minimum front yard - 12.0 m
minimum side yard required - 1.2 m northerly side yard
0.0 m southerly side yard
minimum rear yard required - 6.0 m

b) The parking area must be at least 6.0 m from the street line, 3.0 m from the residential district to the north.

c) A planting strip, at least 1.5m, and a visual barrier, 1.2m to 2.0m in height, must be provided adjacent to the residential boundary to the north.

d) Based on the total floor area of 456 m^2 (1st floor and basement), 24 parking spaces and 1 loading space measuring 9.0m x 3.7m x 4.3m would be required. Since no plans have been submitted, compliance cannot be determined.

e) The proposed sign must be set back from the street line at least a minimum of 3.0m, have a height of at least 3.0m from the ground to the bottom of the sign, and shall have a maximum area of 8.13m^2. All other wall signs, roof signs or ground signs must comply with Section 14A.(1)(c) of the By-law."

- The Traffic Division, Department of Public Works and Traffic has advised of the following:

"The proposed change in zoning to permit the development of a medical office is satisfactory subject to the development being placed under site plan control.

With reference to the submitted plan, we recommend that the plan be modified to provide a minimum driveway width of 7.5 m at the property line. In addition, we recommend that the plans submitted for site plan control include full details regarding the proposed sign north of the access to Upper Paradise Road. Depending on the size and height of the sign, we may require that it be relocated further away from the access."

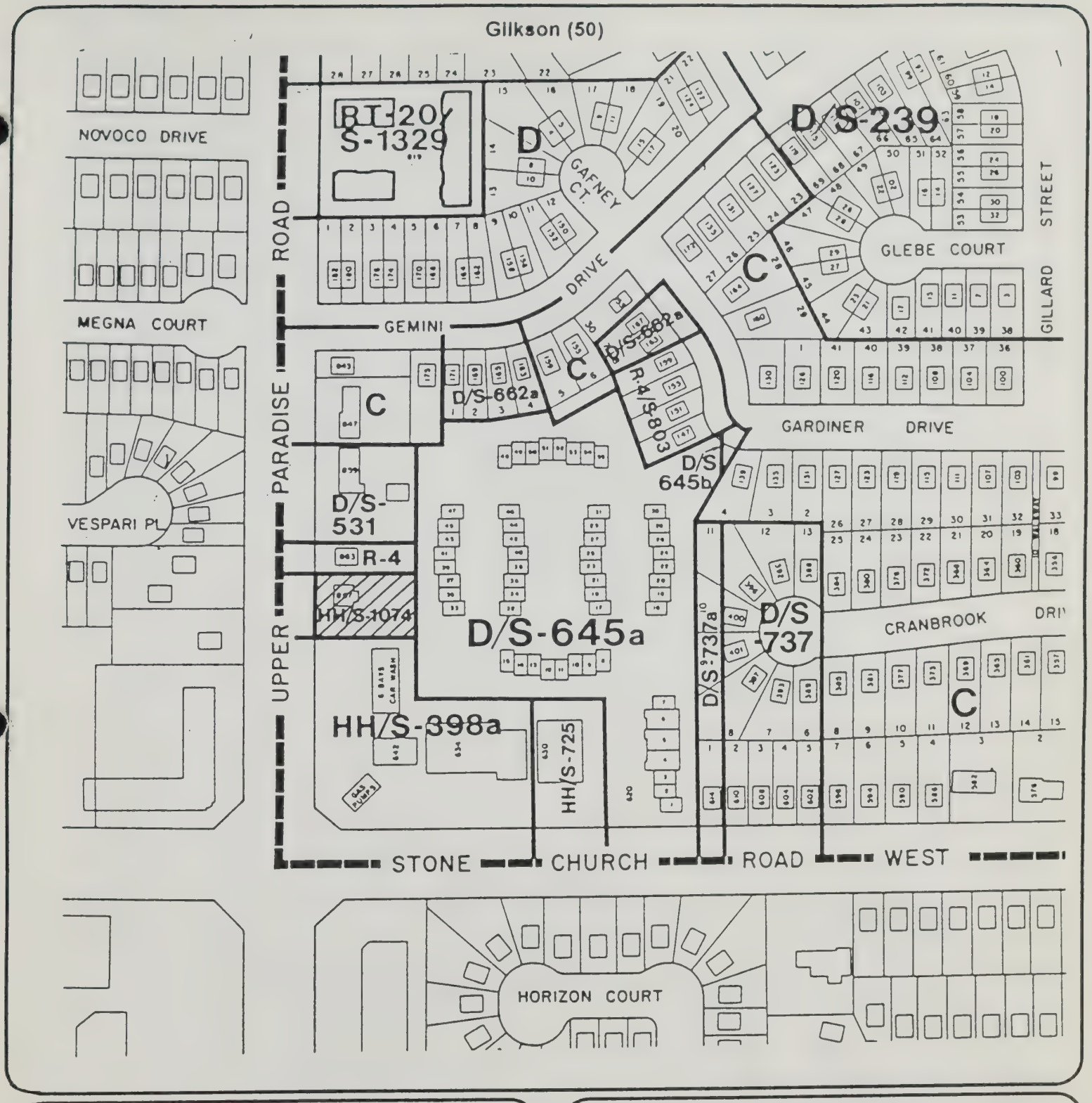
- The Regional Environment Department, has advised that:

"There are public watermains and separate storm and sanitary sewers available to service the subject lands.

The Region previously acquired the required road widenings on Upper Paradise Road and we do not anticipate any further road allowance widenings at this time.

We recommend that the subject lands be developed through site plan control at which time more detailed comments with respect to the proposed sign location, access, grades, motorists visibility triangles, setbacks, etc. will be provided. The preliminary plan indicates that the proposed board fence will be set back 3.0m from the Upper Paradise Road road allowance limits, as widened. This setback may have to be increased to 5.0 m to ensure adequate motorists visibility entering the road allowance for adjacent lands to the north.

Any works which may occur within the Upper Paradise Road road allowance, as widened, must conform to the Region of Hamilton-Wentworth Roads Use By-law."



Legend

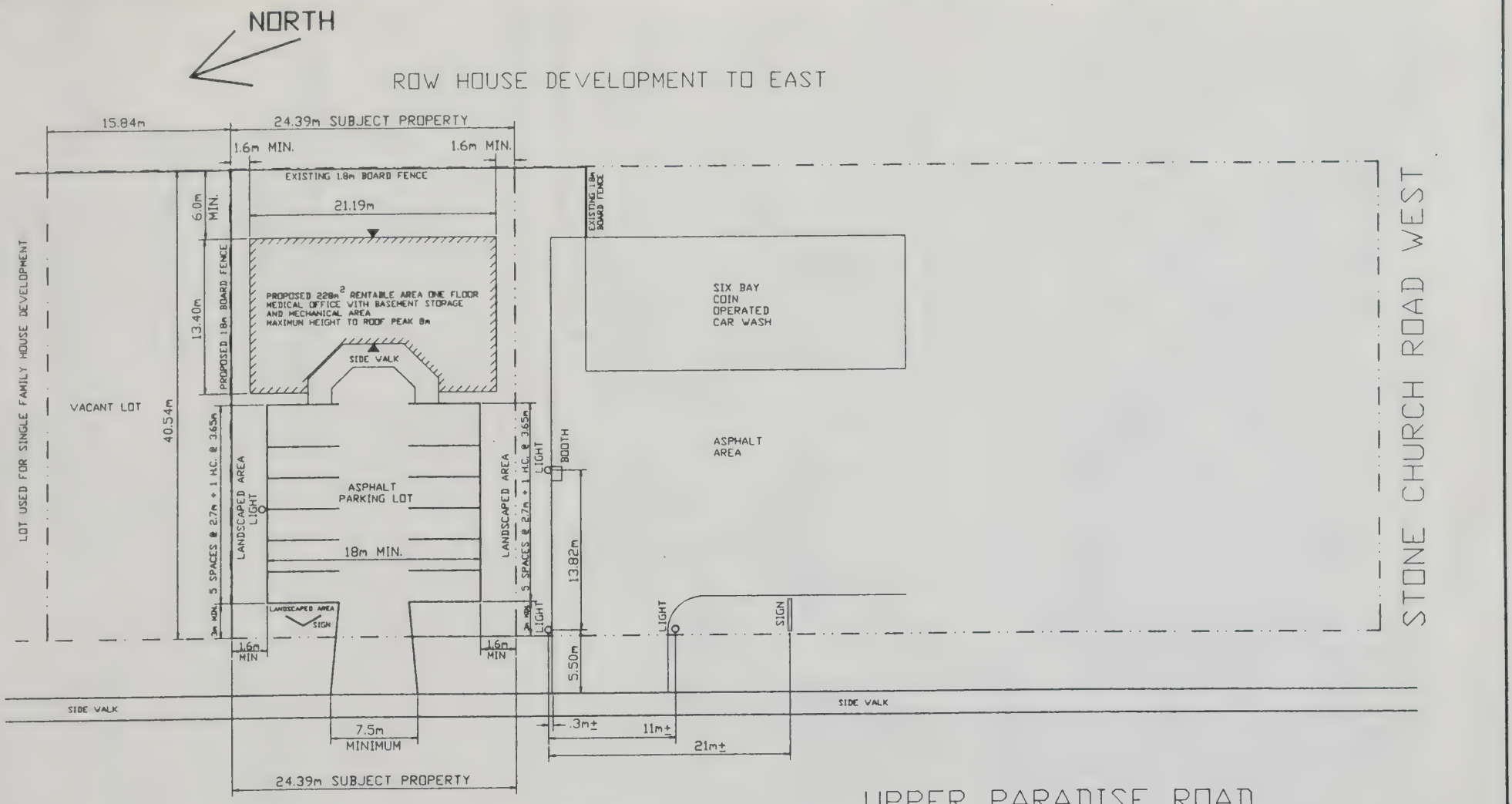
Site of the Application

City of Hamilton

Location Map

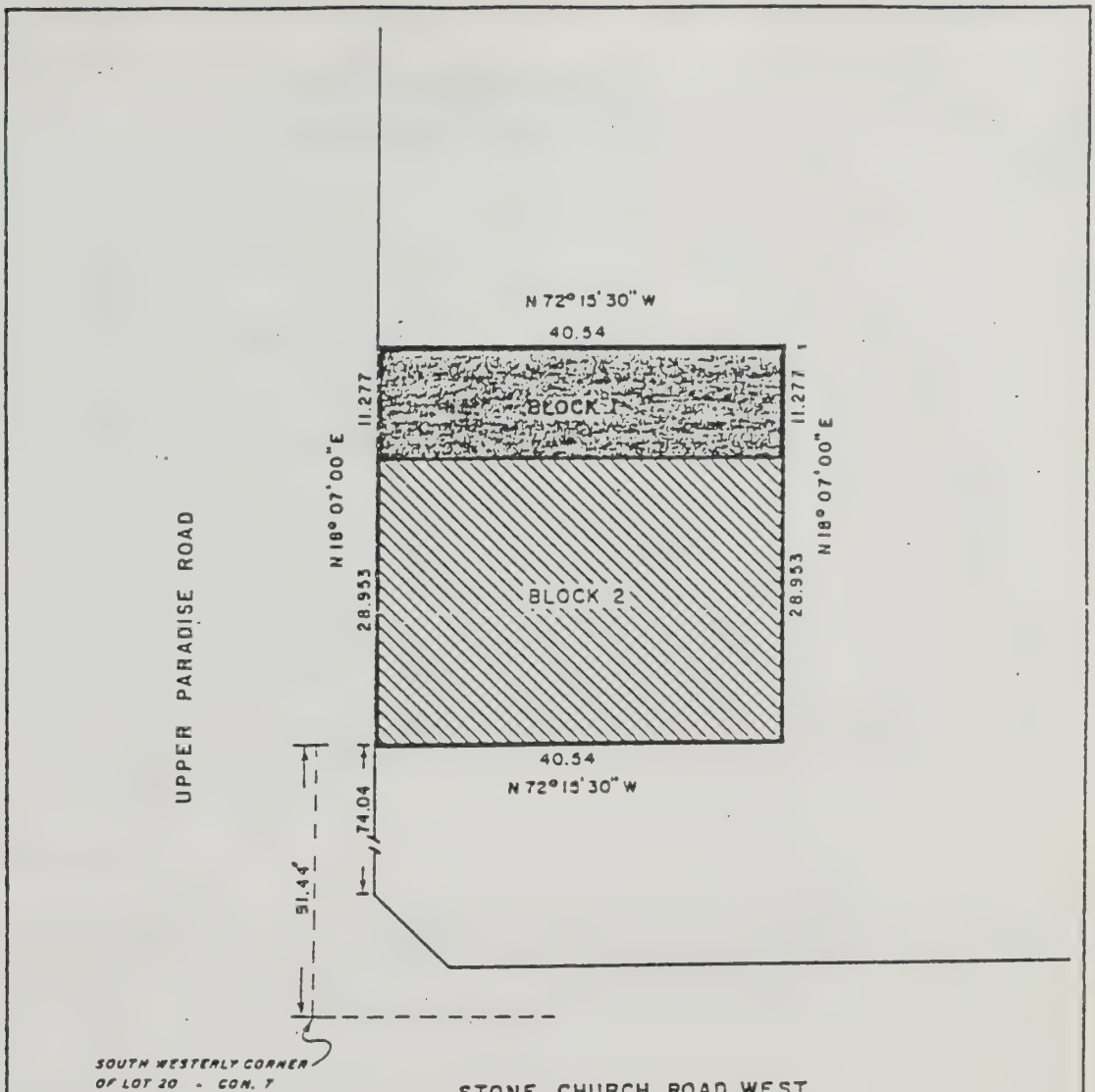
Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	ZAR-98-01
	Date	Drawn By
	JANUARY, 1998	B. B.



PROPOSED DEVELOPMENT OF 867 UPPER PARADISE RD HAMILTON	DESIGNED AND DRAWN BY WS DESIGN AND CONSTRUCTION DUNDAS, ONTARIO 627-2574	1998-01-12	SCALE:N.T.S. (PHOTO REDUCED)
		DRG 98-01A	

APPENDIX "



NOTE: ALL DIMENSIONS ARE IN METRES

THIS IS SCHEDULE "A" TO BY-LAW NO. 88- 145
PASSED THE 31st DAY OF May 1988

Clerk

Mayor

North	Scale	Reference File No.
	NOT TO SCALE	ZA-88-10
	Date	Drawn By
	MAY 5, 1988	Z.K.

CITY OF HAMILTON

SCHEDULE "A"

MAP FORMING PART OF

BY-LAW NO. 88- 145

TO AMEND BY-LAW NO. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

CHANGE IN ZONING FROM "D" (URBAN PROTECTED RESIDENTIAL - ONE AND TWO FAMILY DWELLINGS, TOWNHOUSES, ETC.) DISTRICT, MODIFIED, TO:

BLOCK 1 — "R-4" (SMALL LOT SINGLE FAMILY DETACHED) DISTRICT.

BLOCK 2 — "HH" (RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL) DISTRICT, MODIFIED.

APPENDIX "C

1. (b.)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1998 February 24
ZAC-97-38
Ryckmans Neighbourhood

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for an Official Plan Amendment and for a modification in zoning - 75 Rymal Road East.

RECOMMENDATION:

(a) That Official Plan Amendment Application by **Little Three Ontario Ltd., owner** to redesignate the lands known municipally as 75 Rymal Road East from "Residential" to "Commercial", as shown on the attached map marked as APPENDIX "A" be DENIED; and,

(b) That amended Zoning Application ZAC-97-38, **Little Three Ontario Ltd., owner** for a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial, etc.) District for lands located at 75 Rymal Road East, as shown on the attached map marked as APPENDIX "A", to permit the development of the subject lands for automobile sales and leasing, be DENIED for the following reasons:

i) it represents an undesirable extension of a 'highway commercial' use into an area designated and used for single-family residential uses;

ii) it does not comply with the approved Ryckmans Neighbourhood Plan which designates the subject lands for "Single and Double Residential" use;

iii) it conflicts with Council adopted policy in that in 1991 Council denied a similar rezoning application for the subject lands; and,

iv) approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Neighbourhood Plan and alter the character of the area.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal:

The effect of the application is to permit the development of the subject lands for two automobile dealerships in conjunction with the abutting lands to the west (55 - 65 Rymal Road East). The applicant has requested that the zoning be modified to restrict the use of the subject lands for automobile sales and leasing and to prohibit automobile body repair and painting (ie an "automotive body shop").

Zoning Application 90-43

In 1990, the abutting lands at 69 Rymal Road East were rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial, etc.) District which allowed the proponent to "square-off" the development of the site. Zoning Application 90-43 originally included the subject lands but these lands were removed from the application after discussions with staff.

Zoning Application 91-08

In 1991, an application was made for 75 Rymal Road East for a change in zoning from "AA" District to "G-3" District, modified. The application was to permit the development of the subject lands for a "fast-food" restaurant. The application was denied by Council because it represented an undesirable extension of a 'highway commercial' use into an area designated and used for single-family residential uses.

APPLICANT:

Little Three Ontario Ltd., owner.

AGENT:

Ed Fothergill, Ed Fothergill Planning and Development Limited.

LOT SIZE AND AREA:

The subject lands have:

- 22.85 m of lot frontage along Rymal Road East;
- a lot depth of 125.0 m; and
- a total lot area of 2,856 square metres.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"AA" (Agricultural) District
Surrounding Land Use		
to the north	Vacant lands	"C" (Urban Protected Residential, etc) District
to the south	Single detached dwellings	"B" (Suburban Agricultural and Residential, etc.) District
to the east	Single detached dwellings	"AA" (Agricultural) District
to the west	Commercial	"HH" (Restricted Community Shopping and Commercial, etc.) District

OFFICIAL PLAN:

The lands are designated **Residential** on Schedule 'A' - Land Use Concept of the City of Hamilton Official Plan.

The proposed use of the subject lands for an automobile sales and leasing establishment does not comply with the Official Plan (Policy A.2.1.1). An Official Plan Amendment is required to redesignate the subject lands from "Residential" to "Commercial".

NEIGHBOURHOOD PLAN:

The subject lands are designated "Single & Double Residential" on the approved Ryckmans Neighbourhood Plan. A Neighbourhood Plan Amendment is required to redesignate the subject lands from "Single & Double Residential" to "Commercial".

The approved Ryckmans Neighbourhood Plan requires a 10 m (30 ft) and 3 m (10 ft) landscaped planting strip along the respective northerly and easterly limits of the commercially designated

lands fronting onto Rymal Road East. The purpose of the planting strip is to provide for a buffer for the abutting planned low density residential development.

COMMENTS RECEIVED:

- The Building Department has advised:

  "1. The proposed use of automobile sales, leasing and related uses is subject to the special requirements of Section 18.(3)(ivc) of By-law 6593, where the lot lines adjoin the residential district to the north and east. No concept plan submitted to determine compliance.

  2. The By-laws 86-273 and 90-305, which pertain to the existing property known as 55 - 69 Rymal Road East, require a 1.5m wide planting strip and visual barrier along the north and east lot lines. The special requirements along the easterly lot line of 55-69 Rymal Road East will interfere with the development of the total proposed site. The applicant must receive the required final approval to remove these provisions."

- The Traffic Division, Department of Public Works and Traffic has advised of the following:

  "In response to your letter of 1997 December 5, please be advised that we have reviewed the proposed Zoning Application and Official Plan Amendment to redesignate the subject lands from "Residential" to "Commercial" to permit automobile sales, leasing and related uses.

  These types of uses are low traffic generators. We would recommend that the zoning application be designated site specific and only permit these specific uses.

  The approved neighbourhood plan designates single-family homes along the north section of the property. These homes will front onto an internal neighbourhood road. We suggest that this designation be retained to provide a clear delineation between the commercial and residential components of this neighbourhood."

- The Regional Environment Department, Development Engineering Section, has advised that:

  "With respect to your letter dated December 5, 1997, there are public watermains and separate storm and sanitary sewers available to service the subject lands.

  The Regional Transportation, Roads Division have the following comments:

1. The designated road allowance width of Rymal Road is 36.58 m. In accordance with this designation, the Region previously acquired the required road widenings adjacent to the subject lands. Therefore, we do not anticipate any further road allowance widenings at this time.

2. These lands are designated for residential purposes in the approved Ryckmans Neighbourhood plan. The rezoning of these lands will require an amendment to the plan with a shortening of the cul-de-sac bulb.

   We have reviewed the extension of Dicenzo Drive and note that this roadway has not been defined on a specific (engineering) plan or included in a draft plan of subdivision application. In setting the zoning boundaries, sufficient lands must be retained in the "C" District to ensure residential development on the south side of Dicenzo Drive can occur. We therefore recommend that as a condition of approval that specific roadway plans for Dicenzo Drive be prepared prior to the establishment of the final zoning boundaries.

3. Should the commercial designation be extended to the south limits of Dicenzo Drive we recommend as a condition of approval that the applicant/owner pay all City and Regional costs for the frontage on the future Dicenzo Drive.

4. Since the applicant has noted that these lands will be used for the sale of automobiles, it may be appropriate to restrict the use of these lands for that purpose.

5. We recommend that these lands, if approved, be developed through site plan control. At that time we will provide further comments on access, grading, etc.

6. In the absence of any details shown, any works which may occur within the Rymal Road road allowance must conform to the Region's Road Use By-Law."

- The Hamilton Region Conservation Authority has no objection to the approval of the application.

- The Regional Environment Department, Planning Division advised that the proposal conforms with the Hamilton-Wentworth Official Plan.

COMMENTS:

1. The application for an Official Plan Amendment and change in zoning cannot be supported for the following reasons:

   i) it represents an undesirable extension of a 'highway commercial' use into an area designated and used for single-family residential uses;

ii) it does not comply with the approved Ryckmans Neighbourhood Plan which designates the subject lands for "Single and Double Residential" use;

iii) it Conflicts with Council adopted policy in that in 1991 Council denied a similar rezoning application for the subject lands; and,

iv) approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Neighbourhood Plan and alter the character of the area.

However, should the Committee consider the application favourably, then it is recommended that a new by-law be applied to the applicant's entire holdings, subject to the following special provisions:

i) that Section 2 of Zoning By-law No. 86-273 applicable to Nos. 55 and 59 Rymal Road East, should be repealed in its entirety as a housekeeping matter to replace the rear yard planting strip of 1.5 m with 3.0 m, with a visual barrier not less than 1.2 m and not more than 2.0 m in height, as per the approved Ryckmans Neighbourhood Plan;

ii) that Sections 2 and 3 of Zoning By-law No. 90-306 applicable to No. 69 Rymal Road East, should be repealed in their entirety as a housekeeping matter to replace the easterly side yard planting strip of 1.5 m with a 3.0 m planting strip, and a visual barrier not less than 1.2 m in height and not more than 2.0 m in height, along the easterly limits of 75 Rymal Road East, as per the approved Ryckmans Neighbourhood Plan. If Section 2 of By-law No. 90-306 is not repealed, then the applicant would be required to provide a 1.5 m wide planting strip in the middle of the lands to be comprehensively developed for two automobile dealerships;

iii) that notwithstanding Section 18.(3)(ivc)(b) of Zoning By-law No. 6593, a planting strip of at least 3.0 m (10 ft) in width and a visual barrier not less than 1.2m in height and not more than 2.0 m in height, should be provided and maintained along the northerly lot line of the properties known municipally as 55, 69 and 75 Rymal Road East, as per the approved Ryckmans Neighbourhood Plan;

iv) that notwithstanding Section 14A.(1) the use of the subject lands should be restricted to only the following: two (2) automobile sales and leasing establishments, and for 2 business identification signs (i.e. 1 for each automobile dealership), as requested by the applicant; and,

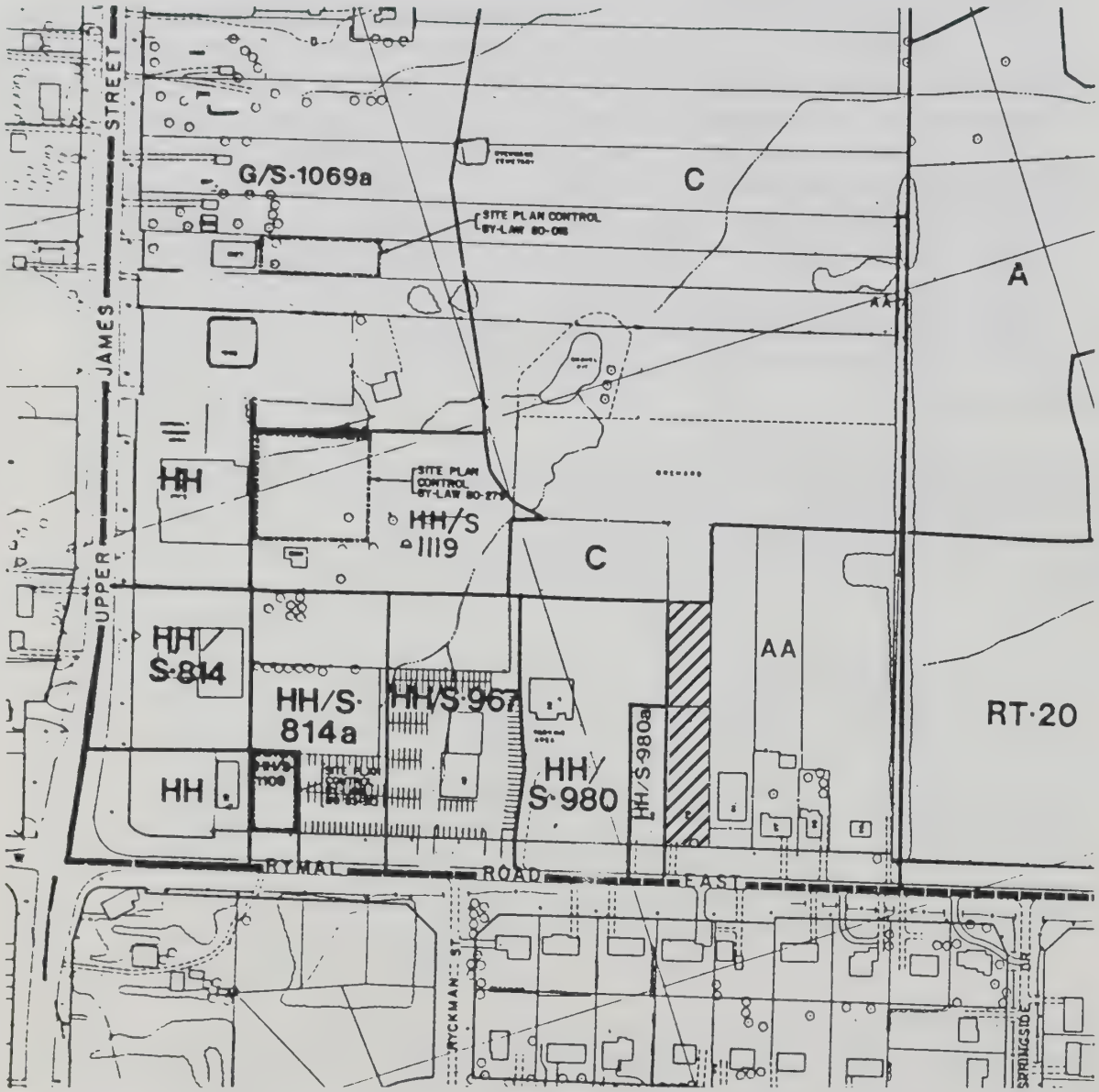
ii) the approved Ryckmans Neighbourhood Plan should be amended to redesignate the subject lands from "Single & Double Residential" to "Commercial".

2. The applicant has requested that the definition of visual barrier, applicable to the subject lands, be amended to permit the use of plant materials. The provisions of Zoning By-law No. 6593 require that a visual barrier be constructed of wood, stone, bricks, mortar or fabricated metals. Planning and Development Department staff do not support the applicant's request because of concerns with the effectiveness of plant materials to provide appropriate buffering for the adjoining residential areas. Planning and Development Department staff are concerned that the type of visual barrier proposed by the applicant may not be appropriate in the winter months and may require several growing seasons before it would provide an adequate buffer. In addition, there are maintenance related concerns and, it could be difficult to effectively enforce the on-going maintenance of what in effect would be a hedgerow.

CONCLUSION:

Based on the foregoing, the application for an Official Plan Amendment and change in zoning zoning cannot be supported.

ZA-97-38.RPT



City of Hamilton

Plan Showing Lands Subject to Site plan Control

Application ZAC-97-38

Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	Not to Scale	ZAC-97-38
	Date	Drawn By
	December 1997	F.A.

1. (c.)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 February 20
AMENDED ZAC-97-28
Mohawk Neighbourhood

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a modification in zoning - No. 135 Fennell Avenue West.

SECOND REPORT

RECOMMENDATION:

(a) That approval be given to Official Plan Amendment No. to establish a "Special Policy Area", to permit a private recreational facility within the "Major Institutional" designation, for "Block 1" only, for lands located at No. 135 Fennell Avenue West, as shown on the attached APPENDIX "A", and that the Director of Planing and Development be directed to prepare the By-law of Adoption in accordance with Section 22 of the Planning Act, for submission to the Regional Municipality of Hamilton-Wentworth.

(b) That approval be given to Amended Zoning Application 97-28, Mohawk College of Applied Arts and Technology, owner, for a modification to the established "B" (Suburban Agriculture and Residential, etc.) District regulations, for Blocks "1" and "2", for lands located at No. 135 Fennell Avenue West, to permit development of Block "1" for a student residence containing a maximum of 250 units or a student residence containing a maximum of 180 units and a private tennis club, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That the "B" (Suburban Agriculture and Residential, etc.) District regulations, as contained in Section 8. of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variances, as special requirements:

(1) Notwithstanding Section 8.(1), the following additional uses shall be permitted:

I. A Student Residence accessory to the college located on Block "2", containing a maximum of 250 units, and accommodating a maximum of 500 students.

II. A fitness centre with a maximum floor area of 270 m^2, which shall be located within the same building and shall be operated as an accessory use to a student residence on Block "1" and/or a college on Block "2".

III. Meeting and seminar rooms, which shall be located within the same building as a student residence, with a combined maximum floor area of 188 m^2.

IV. A private tennis club, provided that the student residence permitted by clause I. shall have a maximum capacity of 180 units, and shall accommodate a maximum of 360 students.

(2) Notwithstanding Section 8.(2), no building shall exceed a height of 5 storeys.

(3) Notwithstanding Section 8.(3), a front yard of a depth of at least 19 m shall be provided and maintained.

(4) Notwithstanding Section 18A.(1), a portion of the required parking spaces for the permitted uses on Block "1", may be provided and maintained on Block "2".

(5) Section 18A.(11) and 18A.(12) shall not apply to the parking areas abutting the southerly and easterly boundaries of Block "1".

(ii) That the "B" (Suburban Agriculture and Residential, etc.) District regulations, as contained in Section 8. of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances as special requirements:

(1) Notwithstanding Section 8.(1), parking accessory to a permitted use on Block "1", shall be permitted on Block "2".

(2) Section 18A.(11) and 18A.(12) shall not apply to the parking areas on Block "2", abutting the southerly and easterly boundaries of Block "1".

(3) Notwithstanding Section 18A.(11) and 18A(12) a minimum 6 m wide planting strip shall be provided and maintained along the southerly lot line of Block "2", beginning at the south west corner of Block "2", for a minimum distance of 445 m easterly.

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Maps W-15 and W-16 be notated S- .

(iv) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Maps W-15 and W-16 for presentation to City Council.

(v) That the proposed modification in zoning will be in conformity with the City of Hamilton Official Plan upon approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth.

(c) That Schedule "A" to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-233, be further amended by adding Block "1" and a portion of Block "2", as shown on the attached APPENDIX "A", and that the City Solicitor be directed to prepare the appropriate By-law.

EXPLANATORY NOTE:

The purpose of the proposed Official Plan Amendment is to establish a "Special Policy Area", to permit a private recreational facility (tennis club) within the "Major Institutional" designation, for "Block 1" only, for lands located at No. 135 Fennell Avenue West, as shown on the attached APPENDIX "A".

The purpose of the by-law is to provide for a modification to the established "B" (Suburban Agriculture and Residential, etc.) District regulations, for Blocks "1" and "2", for lands located at No. 135 Fennell Avenue West, as shown on the attached map marked as APPENDIX "A".

The purpose of the proposed modification in zoning is to permit the establishment of a building containing a 250 unit student residence, to accommodate a maximum of 500 students, upon the lands identified as Block "1". This would include two phases of development, phase I containing 180 units (360 students) and phase II containing an additional 70 units (140 students). The student residence must be accessory to Mohawk College, located on Block "2". The By-law would also permit the use of a private tennis club on Block "1", provided that the student residence does not exceed a capacity of 180 units and 360 students. This would permit the applicant to construct a tennis facility and Phase I of the student residence, or phases I and II of the student residence. In addition, accessory uses would be permitted within the proposed student residence building, including a fitness (wellness) centre with a maximum floor area of 270 m^2, and 2 meeting rooms and a seminar room with a combined maximum floor area of 188 m^2.

In addition, the by-law provides the following variances as special requirements:

Block "1" - Student Residence

- The building may have a height of 5 storeys, whereas the Zoning By-law permits a maximum height of 2 1/2 storeys.

- A front yard of a depth of at least 19 m shall be provided and maintained, whereas the Zoning By-law requires a front yard of 12 m.

- A portion of the required parking spaces for the student residence and accessory uses may be provided and maintained on Block "2", whereas the Zoning By-law requires parking to be provided on the same lot as the use.

- A 1.5 m landscape strip and visual barrier will not be required along the southerly and easterly boundaries of Block "1", whereas the zoning By-law requires a 1.5 m wide planting strip and visual barrier abutting the parking area.

Block "2" - Mohawk College

- Parking accessory to the student residence and accessory uses located on Block "1" shall be permitted on Block "2".

- A 1.5 m landscape strip and visual barrier will not be required adjacent to the parking areas on Block "2", along the southerly and easterly boundaries of Block "1", whereas the zoning By-law requires a 1.5 m wide planting strip and visual barrier.

- A minimum 6 m wide planting strip shall be provided and maintained along the southerly lot line of Block "2", beginning at the south west corner of Block "1", for a minimum distance of 445 m easterly, whereas the Zoning By-law requires a minimum 1.5 m wide planting strip adjacent to the parking area.

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

- Application ZAC-97-28

The purpose of the original application, submitted on August 5, 1997, was to permit a proposed modification in zoning to allow development of a student residence for Mohawk College. The

proposal is to build a five storey building containing a 250 unit student residence, to accommodate a maximum of 500 students, upon the lands identified as Block "1". The preliminary site plan is attached as APPENDIX "B". A typical unit will house two students and contain its own washroom and kitchenette (fridge, sink and microwave oven). Development of the student residence will be phased. The initial phase would include 180 units to accommodate 360 students. A future second phase could provide an additional 70 units to accommodate 140 students. The timing for the second phase has not been determined. There is currently a tennis club (Mohawk Tennis Club) operating on Block "1". The club leases an outdoor tennis court and an indoor court (tennis "bubble") from the College. It is our understanding the lease to the tennis club would be discontinued and the "bubble" would be removed, to accommodate the phase one student residence. The College may retain the outdoor court, until such time as it proceeds with phase two.

In addition, accessory uses are proposed within the proposed student residence building, including 1 seminar room, 2 meeting rooms and a fitness centre (wellness centre). It is proposed that the meeting and seminar rooms be available for use by the public, as well as the College and residence. The initial request of the applicant was also to have the fitness centre available to the public. This would have the effect of permitting a commercial use. However, upon discussions with Planning staff, the agent agreed to restrict the fitness centre to an accessory use only (eg. membership restricted to College students and personnel).

Parking required for the student residence would be accommodated within the existing parking areas. Existing parking is sufficient for the proposed and existing uses on both blocks. Other than some additional landscape treatment, there are no physical changes proposed on Block "2", which will continue to be used for the existing college.

- Future Severance Application

Prior to construction of the student residence, the applicant intends to submit an application for consent to sever Block "1" from the larger college holdings, Block "2" (see APPENDIX "A"). The purpose of the severance would be for financing purposes only. Although Mohawk college would remain the owners of Block "1", it would be held under separate title from Block "2".

- Information Meetings Held by the Applicant

Since September, the applicant has held four information meetings, to discuss the proposal with area residents. According to the applicant's planning consultant, issues raised at the information meeting included: security on the Mohawk College grounds and proposed residence, height of the proposed building, access to the site during the construction period, and the possible extension of Daytona and Columbia Drives (located to the south of the College lands). As a result of discussions with area residents, Mohawk College has proposed a Landscape Development Strategy, see APPENDIX "C", to address some of the residents comments, such as the provision of a visual buffer, for residential properties located south of Block "2", fronting onto Delmar, Daytona and Columbia Drives. It is understood that the College will be initiating

the establishment of a community advisory committee, to provide on-going communication between the College and the community.

- Planning and Development Committee Meeting October 22, 1997

A Public Meeting was held on October 22, 1997, to consider application ZAC-97-28. The Planning and Development Department recommended approval of the application, however, the Committee tabled the application, to permit further discussions between the applicant and the community regarding issues such as location, noise, traffic and security.

- Amended Application ZAC-97-28 To Include A Private Tennis Club Use

When the tennis club was originally established in 1977, it was operated as a recreational use accessory to Mohawk College. However, over time, it has evolved to become a private club, which is open to the public for membership. In January 1998, the agent for the applicant received a zoning verification clarifying that if the club is operated as a business and open to the general public, it is not a permitted use within the "B" (Suburban Agriculture and Residential, etc.) District. In this regard, the current tennis club is not a legal use.

During the Public Meeting and information meetings, the Mohawk Tennis Club expressed concerns respecting loss of the existing tennis facility. As stated above, the applicant intends on demolishing the existing tennis facility on Block "1". Furthermore, Mohawk College, has indicated that it can no longer fund a tennis club and that the bubble structure has deteriorated and must be removed. However, as a result of discussions with the tennis club, Mohawk College has indicated that they would consider leasing land to a private firm, for the construction and operation of a private tennis club. The College has advertised for letters of interest in this respect.

On January 13, 1998, the agent for the applicant requested an amendment to application ZAC-97-28, to add the private tennis club as an additional use for Block "1" (See APPENDIX "C"). It was also determined that an Official Plan Amendment would be required to allow a private tennis club. If a private investor is found, the College could lease a portion of Block "1" for a tennis facility and proceed to construct phase I of the student residence. If no lease is arranged for a tennis facility, Block "1" could be utilized for phase I and II of the student residence.

- City of Hamilton Information Meeting

On February 16, 1998, the Ward 8 Aldermen held an information meeting to further discuss the proposal. Issues discussed included: status of the application, amended application for a private tennis club, "private" tennis club vs. "public" tennis club, security (on and off campus), existing volumes of traffic on Fennell Ave., Mohawk College's financial plan for the residence, provision for students with disabilities, and, the need for the residence.

APPLICANT:

Mohawk College of Applied Arts and Technology, owner.

LOT SIZE AND AREA:

Block "1" - Student Residence

- 281.34 m (923.03 ft.) of lot frontage on Fennell Avenue West;
- 87.4 m (286.75 ft.) of lot depth; and,
- 2.16 ha (5.34 acres) of lot area.

Block "2" - Mohawk College

- 329.23 m (1,080.17 ft.) of lot frontage on West 5th Street;
- 815.18 m (2,674.48 ft.) of lot depth; and,
- 21.64 ha (53.47 acres) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Mohawk College and tennis club	"B" (Suburban Agriculture and Residential, etc.) District
Surrounding Lands		
To the north	A hospital	"B" (Suburban Agriculture and Residential, etc.) District, modified
To the south	Single-family residential	"C" (Urban Protected Residential, etc.) District
To the east	Single-family residential	"C" (Urban Protected Residential, etc.) District

To the west	A private elementary and secondary school	"B" (Suburban Agriculture and Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated Major Institutional on Schedule "A" - Land Use Concept of the Official Plan. In addition to institutional uses, residential uses are also permitted, provided they are compatible with the surrounding area and are in keeping with the Residential policies contained in the Official Plan. Recreational uses are also permitted within the Major Institutional designation, provided they are also compatible with the surrounding area and ancillary to the primary institutional use. In this regard, the student residence, meeting rooms and accessory fitness centre would be permitted uses. However, since the tennis club would be open to the general public, and would not be ancillary to the College or student residence, it is not a permitted use. Consequently, the amended application does not comply with the Official Plan and requires an Amendment to establish a "Special Policy Area", for Block "1" only, to permit a private recreational facility within the "Major Institutional" designation.

NEIGHBOURHOOD PLAN:

There is no Approved Neighbourhood Plan for the Mohawk Neighbourhood.

COMMENTS RECEIVED:

- The Building Department has advised that:

  "1. The use is considered a "Student Residence" as defined under Section 2.(2)A.(xiiab) of By-law No. 6593.

  2. A "Student Residence" is not permitted.

  3. The proposed five (5) storey building exceeds the maximum permitted 2-1/2 storeys.

  4. A "Student Residence" containing 180 dwelling units requires a minimum of 180 parking spaces.

  5. The parking abutting the proposed southerly and easterly lot lines of Part 1 do not provide the 1.5 m wide planting strip and the visual barrier as required by Section 18A.(11) and (12) of By-law 6593.

6. The parking area of Part 2 abutting the southerly and easterly lot lines of Part 1 does not provide the required 1.5 m wide planting strip and visual barrier along the lot lines on Part 2.

7. A fitness centre that is open to the public is considered a commercial gymnasium under the use of a "Commercial School", which is not permitted.

8. A meeting room available to the public is considered a commercial use of the "Public Hall", which is not permitted.

9. The records of this Department indicate that there are a total of 238 classrooms, plus the lecture theatres, not 134 classrooms and lecture rooms as indicated. The 2897 parking spaces on Part 2 are sufficient for the college.

10. The proposed meeting rooms and fitness centre would require parking at a rate of one (1) parking space for every six (6) persons who may be lawfully accommodated."

The following additional comments have been submitted respecting the amended application:

1. The use is considered a "Private Club" and the use is not permitted.

2. The tennis bubble is considered a structure and must not exceed 11.0m.

3. The structure must be at least 12.0 m from the front lot line (Fennell Avenue West).

4. A minimum of one parking space for every six (6) persons who may be lawfully accommodated within the private tennis club is required.

- The Department of Public Works and Traffic has advised that:

"It is our understanding that the portion of the college property that will contain the proposed student residence is to be severed from the rest of the college lands for financing purposes but will remain under the college ownership. We have no objection to the variances related to parking that are required as a result of the proposed severance subject to confirmation from the Building Department that the overall number of parking spaces required for the college and the proposed student residence can be provided.

For the information of the applicants, we will require the establishment of mutual rights-of-way as a condition of the proposed severance approval to ensure continued sharing of the access and parking facilities."

The Traffic Division also advises that the above comments are still applicable to the amended application.

- The Hamilton Region Conservation Authority have no comments or objections.

- The Regional Environment and Transportation Departments have advised that:

"There are public watermains, separate storm and sanitary sewer and combined sewer adjacent to the subject lands.

We recommend that as a condition of Zoning approval that the subject lands be developed under Site Plan Control. The applicant/owner should be advised that as a condition of Site Plan Approval, we will require a servicing study be submitted which addresses the sites stormwater management, ie, quality and quantity of run-off, and sanitary servicing, including generation rates, capacities, analysis of existing system capabilities etc.

The Region's Transportation Department, Roads Division have the following comments with respect to this application.

(1) According to our records, the Region has previously acquired all the required road allowance widenings on Fennell Avenue and West 5th Street. Therefore, we do not anticipate any further road allowance widenings at this time.

(2) We recommend that this proposed development be subject to Site Plan Control. Further comments on setbacks, access, rights-of-ways, etc. will be submitted at such time as detailed site plans and/or the land severance applications are submitted to our Office for review and comments.

(3) Any works which may occur within the adjacent road allowances must conform to the Region of Hamilton-Wentworth Roads Use By-law."

The following additional comments were submitted with respect to the amended application:

"....Although not shown on the building envelope submitted with the plan, we have reviewed this application on the basis that the proposed tennis building will be approximately 15 m from the Fennell Avenue West road allowance limits, as widened.

As noted previously more specific comments will be submitted at such time as detailed site plans and land severance applications are submitted for our review and approval."

COMMENTS:

1. The amended application does not comply with the Official Plan and requires an Official Plan Amendment to establish a "Special Policy Area" to permit a private recreational facility within the "Major Institutional" designation.

2. The proposal has merit and can be supported on the following basis:

   - The Zoning By-law does permit a College to have an accessory dormitory, with no limitation to the number of students. However, the Building Department considers the proposal to be a "Student Residence", by definition, since the units will contain their own washrooms and kitchenettes (fridge, sink and microwave oven). A dormitory would typically provide shared washroom and dining facilities. The proposal is actually an updated version of a dormitory. The proposed student residence will be accessory to the College, and functionally would be no different than a dormitory. Therefore, the proposal complies with the intent of the Zoning By-law, to allow colleges to provide on-campus living accommodations for students.

   - There are currently no on-campus living accommodations for students of Mohawk College. Consequently, the housing required for out of town students is likely provided entirely within the adjacent residential neighbourhoods. The City has experienced problems created by the demand for student housing within neighbourhoods surrounding McMaster University (eg. overbuilding on residential lots resulting in the alteration of the character of the neighbourhoods). Although, the Department is not aware of similar problems within the neighbourhoods surrounding Mohawk College, the provision of a student residence could alleviate potential problems associated with student housing in neighbourhoods surrounding Mohawk College.

   - The student residence will be compatible with the adjacent established development, and will be appropriately located with respect to adjacent land uses. The residence will be well buffered from residential land uses to the north-west, across Fennell Avenue, by existing heavy vegetation along Fennell Avenue. Furthermore, the student residence building will be located approximately 330 m (1,083) ft.) from the dwellings to the south (on Delmar, Daytona and Columbia Drives).

   - The proposed private tennis club would be compatible with the adjacent institutional and residential development. Furthermore, a tennis club ancillary to Mohawk college is permitted use, and a tennis club has been established on the subject lands since approximately 1977. Also, the tennis club would provide recreational opportunities to the community.

3. Since the "B" (Suburban Agriculture and Residential, etc.) District is not under Site Plan Control, it is recommended that a Site Plan Control By-law be passed to place the lands under Site Plan Control, to allow the City to review the details of the development. In addition, the applicant has prepared a Landscape Development Strategy, which includes the parking area to the south of the student residence. The intent is to improve the existing landscape treatment, to provide a visual buffer between the student residence and adjacent residential land uses. The landscape strategy includes Block "1", as well as the parking areas located in Block "2". Consequently, a portion of the lands within Block "2" should also be placed under Site Plan Control, as shown on the attached APPENDIX "A".

4. The proposal requires a number of variances to the "B" (Suburban Agriculture and Residential, etc.) District regulations. The variances can be supported, as outlined below.

Block "1" - Student Residence

- A variance is required to permit the use of a student residence. However, as noted above, this variance is considered a technicality. Although dormitories are a permitted use, the Building Department considers the proposal to be more in keeping with the definition of "Student Residence". The capacities indicated in the application of 250 units and 500 students should be included as maximums.

- Variances are also required to permit the fitness centre, meeting rooms and seminar room. The fitness centre will be restricted to an accessory use only, and will not be permitted to be open to the public. The meeting and seminar rooms will be open for use by the public, however, this would benefit the community. Furthermore, it is common for such facilities to be open for public use. The fitness centre should be restricted to a maximum floor area of 270 m^2, and the meeting and seminar rooms should be restricted to a combined maximum floor area of 188 m^2, as indicated in the application.

  In addition, the intent of the amended application is to allow the option of constructing a new private tennis club and phase 1 of the student residence, or phases 1 and 2 of the student residence. Therefore, the use of the private tennis club should only be permitted with phase 1 of the student residence.

- The Zoning By-law permits a maximum building height of 2 1/2 storeys within the "B" (Suburban Agriculture and Residential, etc.) District. A variance is required to allow the proposed height of 5 storeys for the student residence building. The actual building height would be approximately 15.06 m to the top of the fifth storey and 20.11 m to the top of the mechanical penthouse. However, the height of the student residence building would not be out of character with the existing College buildings on the subject lands. The existing College buildings have heights which are similar to, or exceed, the proposed building. For example, according to the applicant, the east wing has a height of 14.6 m (48 ft.) to the top

of the parapet and 23.43 m (76.87 ft.) to the top of the mechanical penthouse. Furthermore, the building would be well buffered from adjacent residential land uses.

- The Zoning By-law requires a front yard of 12 m. However, since a front yard of 19 m is proposed, it should be required as a minimum. This will ensure that the building is setback a sufficient distance from Fennell Avenue, to accommodate the retention of the existing vegetation in this area.

- A variance is required to allow a portion of the required parking spaces for the student residence and accessory uses to be provided on Block "2", rather than entirely on Block "1". There will be no reduction in the overall parking requirement and the existing parking areas will continue to serve the College, as well as the student residence. This variance is a result of the future severance of Block "1" and is considered a technicality.

- A variance is required to eliminate the requirement for a 1.5 m landscape strip and visual barrier along the southerly and easterly boundaries of Block "1". Once Block "1" is severed, the parking areas on Block "1" will abut a residential district to the south and east (Block "2"). However, functionally there is no need for buffering between Blocks "1" and "2". This variance is also a technicality.

Block "2" - Mohawk College

- A variance is required to allow parking accessory to a use on Block "1", to be located on Block "2". This variance is a result of the future severance of Block "1" and is considered a technicality.

- A variance is required to eliminate the requirement for a 1.5 m landscape strip and visual barrier where the parking areas on Block "2" abut the southerly and easterly boundaries of Block "1". Once Block "1" is severed, the parking areas on Block "2" will abut a residential district to the north and west (Block "1"). However, functionally there is no need for buffering between Blocks "1" and "2". This variance is also a technicality.

- A minimum 6 m wide planting strip (19.68 ft.) should be required along the southerly lot line of Block "2", adjacent to the parking area located to the south of the proposed student residence. The Zoning By-law only requires a 1.5 m wide planting strip, adjacent to parking areas, however, the intensity of the college use and size of the parking area merits an increase in the buffer strip. The 6 m planting strip is consistent with planting strips required for highway commercial uses where they abut residential uses. Furthermore, the Landscape Development Strategy proposed by the applicant for the lands includes a buffer strip which exceeds 6 m in width (see APPENDIX "C").

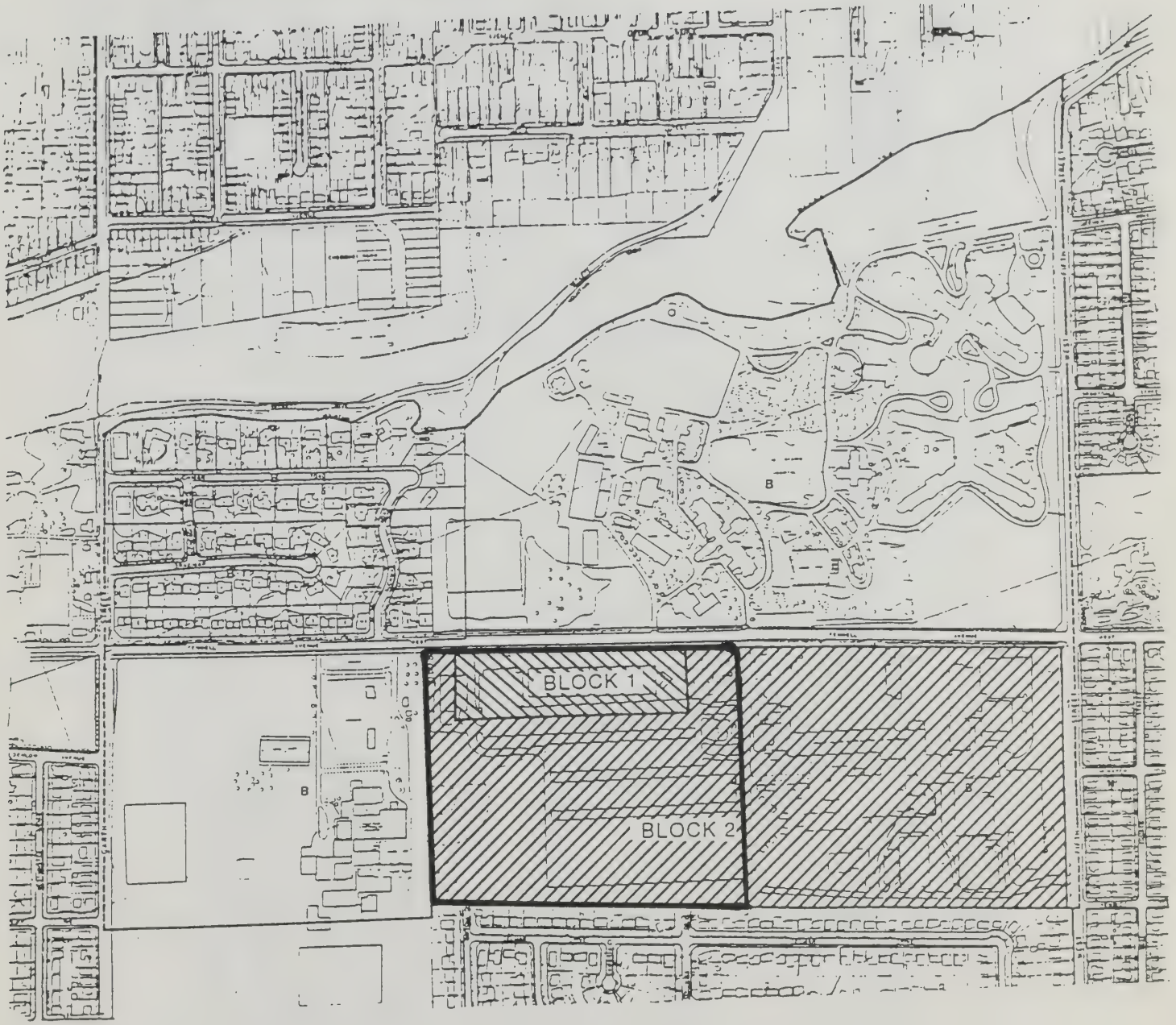
5. The Regional Environment Department has indicated that, although water and sewer services are available, a servicing study must be submitted which addresses the sites stormwater management, ie, quality and quantity of run-off, and sanitary servicing, including generation rates, capacities, analysis of existing system capabilities etc. They have suggested that the appropriate time to require these studies is as a condition of Site Plan approval.

6. As noted in the Background of the Report, one of the issues raised at the information and public meetings, is the loss of the tennis facility. As a result, this application has been amended to include a private tennis club as a permitted use. As a means of acquiring an alternate tennis facility, members of the tennis club have inquired as to the possibility of the City providing land for the development of a new tennis facility. Although Mohawk College should be encouraged to explore the options for an alternate arrangement for the tennis club, this is considered a private matter between the College and the tennis club.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

CL-M



Legend

BLOCK 1

BLOCK 2

Proposed modification to the established "B" (Suburban Agriculture and Residential, etc.) District.

Lands To Be Placed Under Site Plan Control

ZAC-97-28

APPENDIX A

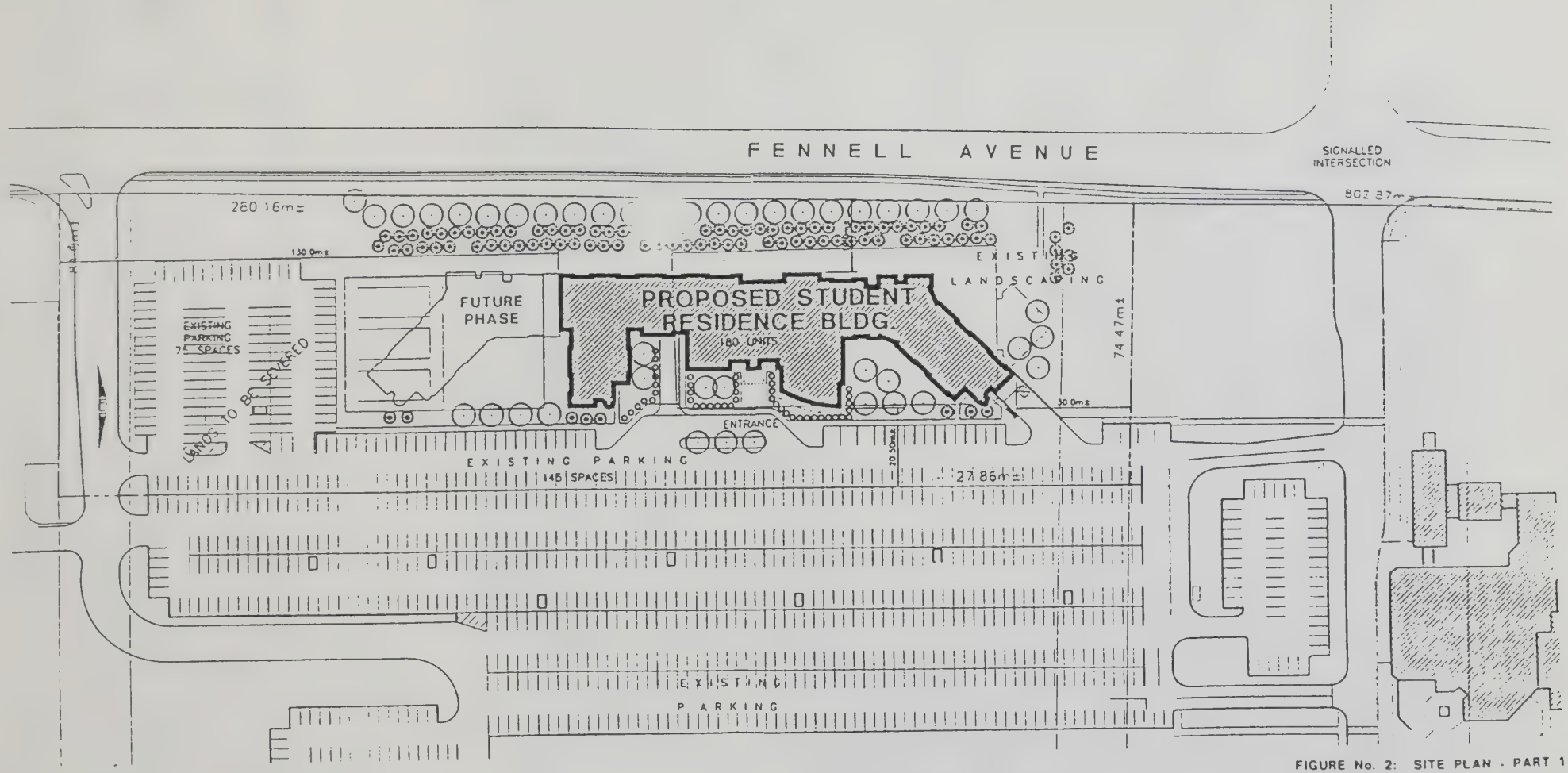


FIGURE No. 2: SITE PLAN - PART 1

BUTTCON DEVELOPMENT CORPORATION

MOFFAT KINOSHITA ARCHITECTS INC.

CAMPUS LIVING CENTRES

MOHAWK COLLEGE
PROPOSED STUDENT RESIDENCE
FENNELL CAMPUS

AUGUST 1, 1997

APPENDIX B

LANDSCAPE DEVELOPMENT STRATEGY

APPENDIX C

1. (a.) (i)

24 Auchmar Road,
Hamilton.

Regarding the Planning and Development Committee public Meeting for consideration of Mohawk College's application for establishment of five storey student residence.

I wish to speak against the above proposal at the March 4 , 1998 meeting.
A building such as the proposed one may well become obsolete in a few years. As an example St.Joseph's Hospital school of nursing built a nursing student's residence at public expense in about 1960. After less than 10 years it ceased to be a nursing student's residence . The students wished to live in other accomodation in Hamilton and the school of nursing was transferred to Mohawk College. This seven storey building was vacant for about ten years. It had to be maintained and heated and there was a disagreement over the payment of taxes to the City of Hamilton. Eventually the building now known as Fontebonne Hall was converted into offices at considerable expense.

There are other local examples of buildings becoming obsolete. It is planned that the Hamilton Psychiatric Hospital and St. Peter's Hospital should be closed. Could accomodation be rented from the Hamilton Psychiatric Hospital ?

Respectfully submitted,

A.R.C.Butson MD

THOMAS VAN ZUIDEN
81 AUCHMAR ROAD
HAMILTON, ONTARIO
L9C 1C6

1. (c.)
(ii)

FEB 25 1998

February 24, 1998

Secretary
Planning and Development Committee
City Hall
71 Main Street West
Hamilton, Ontario

Dear Ms. Secretary,

Proposed Student Residence
Mohawk College of Applied Arts and Technology

This is to confirm our conversation last week indicating that we plan to attend the public meeting of the Committee on March 4, 1998, and to speak on behalf of the neighbours of the College who have mobilized themselves in opposition to the project.

We have already returned the business reply card which accompanied the notice for this meeting. We indicated that we were opposed to the modification in zoning and believe that many of our neighbours also so indicated. In fact, we have a petition with over 100 names of those who are opposed.

Our intention is to speak against the amendment to the City of Hamilton Official Plan and against the zoning change.

A memorandum setting out a number of reasons for our position is attached. Some of this information has already been submitted to Aldermen D'Amico and O'Sullivan, and to the College in a letter dated February 6, 1998.

Yours Sincerely,

THOMAS VAN ZUIDEN
81 AUCHMAR ROAD
HAMILTON, ONTARIO
L9C 1C6

Memorandum Relating to
Proposed Student Residence for Mohawk College of
Applied Arts and Technology

The College has held a number of meetings in recent weeks for the purpose of acquainting residents of adjacent properties with their plan to build a residence, and to assure them that adequate security, parking and policing will be in place so that the residential character of the neighbourhood will not be threatened.

We have attended three such meetings, as have others from from both the Delmar Drive - Buchanan Park area to the south of the college campus, and from the Fennell Avenue West, Auchmar Road, Braemar Place area to the west. By far the majority of residents are opposed to this project and are not persuaded at all that there will be not be an undesirable impact on the neighbourhood.

College neighbours from both areas undertook a canvas and submitted a petition against the project. This petition mysteriously disappeared! A second canvas was done and we have over one hundred signatures registering objection to the proposal.

A second point that has been made at the information meetings was the location of a student residence in the downtown area. It seems to us this has a great deal of merit as it would give downtown Hamilton a sorely needed lift. College officials advise that an on-campus residence is preferable - first year student safety, etc. However, it seems to us amenities such as proximity to a full-scale library and integration possibilities with McMaster University are important considerations. Bus transportation to the College is readily available.

A third concern we have is a more general one but nevertheless valid in our opinion, that is - the taxpayer impact. A number of us came away from the first information meeting with the impression that the residence would be built

1. (e.)
(iii)

FEB 2[illegible]

To: The Corporation Of The City Of Hamilton
Planning and Development Committee
City Hall
71 Main St. W., 7th Floor
Hamilton, Ont.
L8N 3T4

Fr. Gordon R. Talbot
5 Cambria Ct.
Hamilton, Ont.
L9C 3Z2

RE. Planning department file # ZAC-97-28.

To whom it may concern,

As home owners having property close to the boundary of Mohawk College located at 135 Fennell Ave., W., I and my spouse received a form for indicating our favour or opposition to the proposed change in zoning to accomodate the establishment of a student residence. I have returned the form after indicating our opposition to the proposed changes and hope to impress on you a few of the reasons for our decision. As you may be aware, most of the opposition relates to the activities and behaviour of the student body over the course of the many years we have resided in this neighbourhood and in particular the problems of on street parking. The following incidences are only a very small portion of the total, but are illustrative of the concerns that the citizens of this community have.

On a great number of occasions, while removing snow from the walkways in and surrounding our court street with my snowblower, I would encounter garbage and trash removed from student vehicles and hidden in the snow banks. In addition, for some students it was easier to dispose of their trash by tossing it under the vehicle then drive off. I am aware of this problem moreso than my neighbours, for in times of heavy snow I clear the walks of at least eight of my neighbours. When the snow melts, we now have a litter problem and the wind only distributes it further. We are tired of picking up student trash and garbage on a continual basis.

In the areas of on street parking that the students usually frequent there is also a greater amount of vehicle fluids that stain the roadway and children in the neighbourhood eventually walk in and track to other places, such as into our homes. Though this is not a matter confined to the students, it appears that the closer to the grounds of Mohawk College the greater degree of leaky vehicles and the greater amount of vehicle fluids on the roadway.

As the College expanded, so did the problems as mentioned above. The city eventually restricted parking in the area immediately adjacent to the college property and as landowners and taxpayers we lost on street parking at times of the day for our relatives, friends and guests. Now we had to keep an eye on a clock so as to prevent someone from getting a parking violation near our homes. As you can imagine, none of us were pleased with this situation.

continued.....

As time went on more parking restrictions were imposed and the students relocated their parking to the areas not affected and in time the residents in that area became annoyed and more parking restrictions farther and farther from the college property were imposed. The city of hamilton, the neighbourhood residents and the students were becoming more and more frustrated. Did the people in the neighbourhood really mind the students parking in this residential area? No!

What really bothered the landowners was the careless, obnoxious, inconsiderate, vulgar, insensative and plain stupid behaviour of the majority of students who used the free (to them) on street parking afforded by the City of Hamilton and the taxpayers in the areas surrounding Mohawk College. Students would park vehicles in any way or fashion they chose and if an individual took them to task even politely they were told in no uncertain terms what they could do or where they could go. Students would over park resident driveways, park with the wheels of the vehicle on the sidewalk, park with the wheels in some cases five feet from the curb, park so near the corner of another street so as to prevent other vehicles from being able to turn in a safe manner and provide a good field of vision for young children to cross at the street corners a they should be taught. On a number of occasions, I witnessed, the driver of vehicles return to the vehicles and tear up a parking violation placed on the vehicle and throw it onto the street. To report these problems, became a waste of time and energy, nothing ever seemed to be accomplished except more parking restrictions.

An incident in front of my own home one day put me into a fit of rage. As I was getting dressed to meet an appointment with my family doctor, I noticed a person (a student it turned out to be) park a vehicle in front of the house and had the rear of his vehicle block three quarters of my single car drivway. He got out, placed his books on the roof of the car and locked the door. As he began to walk away I dashed barefoot out to the driveway and asked if he intended to leave his vehicle were it was. He replied "yes". I asked him to move his car ahead and clear the driveway, that I wasn't about to drive over my neighbours lawn to get around his car. After muttering a vulgar remark, he walked to the rear of his car and stated "you can get through there" as he looked at my small import car and started to walk away again. Now seeing red, I asked him, "can you see that big black car" (my driveway widens at the back of my house)? He said, "so f___ing what. I said, "that car is leaving this place in five minutes and if you do not move your car now it won't be there when you return, it will be on the other side of the road and you will know who did it."I assume he felt that I would in fact do as I stated and not only moved his car, but relocated to another street. I must admit that deep down inside I wished he would have left his car in that position, because even though it would have cost me dearly, I know I would have truly enjoyed playing demolition derby with one of these idiots. Sometimes, the high cost of being wrong can feel so-o-o right.

On another occasion in winter when snowbanks of five feet wide at the base from the sidewalk on the road on each side and parking in the court was permitted on both sides. A neighbour across and to the south from me had returned from grocery shopping and seeing her carrying bags along the sidewalk to her home puzzled me. She seldom walked anywhere and usually drove into her attached garage to unload. I thought she may have gotten stuck in the snow and I dressed to see if I could help. After speaking to her briefly, I was informed that the reason she was lugging the groceries was two vehicles had parked on each side of the street while she was out shopping and she could not get her car between the two vehicles parked at the begining

continued....

of the roadway into the court. I assisted her in removing her groceries to her house. She parked on the adjoining street until the offending cars were driven away. I returned to my home and prepared to go visit a relative and on my way from the court in my small import car I was just barely able to slip between these vehicles. In doing so, I thought to myself that an emergency vehicle would have no chance of responding to the end of the court and decided to write down the vehicle license numbers in the event that should an emergency arise the offending vehicles could not slip away un-noticed. Also, I intended to report the incident to the by-law enforcement personnel as soon as I got to my relatives, but unfortunately I forgot to do so and when I returned home a short time later the vehicles had been removed. Again, the irritant hereis not the parking, but the manner. Take a normal width roadway plus a snow bank on each side of five feet wide. Would you as a driver park your vehicle in such a manner to allow from two to three feet between the tires of your vehicle and the snowbank to create a single lane opening that only the smallest and narrowest of vehicles could get through. I felt that the problem presented was by both the offending vehicles, because both had encroached to greatly on the driven portion of the roadway thus blocking the right of way for the residents and possibly emergency vehicles.

Another irritant is vehicles with anti-theft alarms. In this case I do not know first hand myself that the offending vehicle was in fact a students car, but others had indicated that it was. I am now a retired shift worker and you can imagine my mood at being awakend on a number of occasions, because someone had an alarm system that was so sensitive that a strong breeze would trigger and keep the alarm wailing for a considerable length of time, first awakening me then preventing me from returned slumber. Was it a students car? I don't know, but it was always during school hours.

How about the day the college allowed the students to run tests on automobiles for acceleration. This sounds like a very tame activity for a learning topic. However, by any other name it still sounded like drag racing in the neighbourhood. Roaring engines and tires screaming even if it was for a one time event, was still an annoyance.

Finally, the Mohawk College wishes the community would sanction the expansion plans to provide student residences to provide greater enrolment and possibly greater variation in its courses. With the present history and going back for me some twenty some odd years I find I can't approve any change or addition that would most likely add to the present problems and I/we are adamant of this. At the same time knowing that governments of all sort will do what they dam well please and couldn't care less what the individual or smaller groups such as our neighbourhood says. In my opinion, if this is going to become a reality and you want to cut most of the friction that will ensue, take every square foot of the campus not having a building on it and pave it. This would provide relief for the community only if the parking is FREE.

One other item, if you don't have more parking than you have students, the problem remains unchanged.

Sincerely,

London R. Talbot

1. (c.)
(iv)

February 20, 1998

FEB 27 1998

Ms. Christine Lee-Morrison
Senior Planning Technician
City's Planning Department
Hamilton City Hall

Dear Ms. Lee-Morrison,

As homeowners and taxpayers of the Buchannan Park Community for the past 34 years, we strongly object to the proposal by Mohawk College to erect a five storey residence containing a maximum of 500 students on their campus.

We believe that the presence of 500 students living practically in our backyard would be a detriment to this community and will reduce even further the privacy and peace one expects to have living in a residential community.

In the past several years this privacy and peace has been undermined many times not only by construction of buildings and parking lots but by the disquiet and disturbance emanating from the Mohawk Campus.

Aside from these very real concerns there has been several articles and television programs discussing the changing approach to education in a technological society re: the Internet. Will this residence become obsolete when students no longer are required or have the funds to be located on campus?

Wehave spoken to many of our neighbours and have attended many meetings at Mohawk College regarding this issue and believe that the construction and location of this proposed student residence is unwarrented and have signed a petition requesting that this matter be researched in greater detail.

Sincerely,
Margaret Howarth
Robert Howarth

Robert and Margaret Howarth
73 Delmar Drive
Hamilton, Ontario
L9C 1J5

cc: Alderman Frank D'Amico
M.P.P. Lillian Ross

THOMAS VAN ZUIDEN
81 AUCHMAR ROAD
HAMILTON, ONTARIO
L9C 1C6

on Mohawk owned property by a private developer with no cost to us, or cash outlay by the College. At the most recent meeting we were advised that the College will own the residence, that it will be operated by a private developer and that it will be 100% financed so that there will be no up-front cash outlay. Presumably, the College (taxpayer) will guarantee the financing. We have been getting conflicting information. We have not had access to the specifics of the business plan. We were told that the land component is free because it is owned by the College! It seems that the College wants to push this project through without regard to the expressed views to the contrary.

A fourth point - made by one neighbour at the most recent meeting - "What about premature obsolescence?" An example was cited of another student residence in Hamilton that simply did not work out for that purpose and quickly became an office building.

Finally, the College maintains that it needs a residence on campus in order to compete for student enrolment, and that other community colleges in the province are also planning to build residences. Many of us seriously question the need for competition amongst colleges by means of brick and mortar.

February 24, 1998

1. (c.) (4)

Jaskula, Sherk, Flaherty & Weston
Barristers and Solicitors

TELEPHONE 905-577-1040
FACSIMILE 905-577-7775

THIRD FLOOR
136 JAMES STREET SOUTH
Hamilton, Ontario
L8P 2Z6

JOHN L. JASKULA, Q.C. (1957-1989)
CHRISTOPHER B. SHERK, B.Sc., M.B.A., LL.B.
L. CHARLES FLAHERTY B.A., LL.B.
RONALD J. WESTON, LL.B.

COUNSEL: BRIAN W. B. MORISON Q.C., LL.B, LL.M

B
TELEPHONE: (905) 528-8311
FACSIMILE: (905) 528-1160

February 25, 1998

F

FAX TO: 546-2095
Alderman Frank D'Amico
Chairman Planning & Development Committee
City Hall
Hamilton, Ontario

A

Attention: Stella Glover, Secretary

Dear Ms. Glover:

Re: Mohawk Neighbourhood
ZAC-97-28

X

As a citizen of Hamilton and a resident in the neighbourhood of Mohawk College, I put you on notice that I propose to attend on March 4th at 9:15 a.m. to make a submission contrary to the recommendation of Mr. Abraham and Mohawk College.

The basis for my objections are:

1. That the zoning change creates a much higher density than is appropriate for the neighbourhood.

2. That the basis of the application is of a commercial nature and is designed to generate revenue. This is contrary to the neighbourhood plan and the official plan. This is a residential area and should not be commercialized.

3. Adequate student accommodation is available in many areas of Hamilton, particularly the core area, and the proposed removal of the psychiatric facilities at Chedoke Hospital and the psychiatric facilities at Hamilton Psychiatric Hospital and the medical facilities at the Chedoke

Hospital will make available a large amount of living space without constructing further buildings.

4. Fundamentally the entire area requires open space and no consideration has been given by the planners or the applicant to consider the impact of utilizing all open space for development. This will have an impact not only on present generations but those in the future which must be considered.

Yours very truly,

Brian W.B. Morison

BRIAN W.B. MORISON

BWBM/mjk

1. (c)
(vi)

Feb. 23, 1998

To: Planning & Development Committee
Attention: Stella Glover

Re: Rezoning Application of Mohawk College for Proposed Student Residence
Meeting Mar.4/98

We are writing to ensure that the following representation of tennis members have an opportunity to speak at this meeting and have comments and questions recorded:

Sheila Evans
John Evans
Lodgeco Inc.
Lorna Disher
Kathleen Munoz

Thank you very much for your consideration of our request.

Sincerely,

Sheila Evans

Sheila Evans/Tennis Membership
(905) 648-3745 Bus.(905) 523-9632

2.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 February 12

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Historic Core of McMaster University: University Hall, Hamilton Hall, Wallingford Hall, the Refectory, Edwards Hall and Alumni Memorial Hall - Designation under the Ontario Heritage Act

RECOMMENDATION:

a) That approval be given to the Intent to Designate the historic core of McMaster University at 1280 Main Street West, specifically, University Hall, Hamilton Hall, the Refectory, Wallingford Hall, Edwards Hall and Alumni Memorial Hall and the landscaped open space extending north-south from the ravine edge to Scholar's Road and east-west from Edwards Hall to Wallingford Hall, as a property of historical and architectural value, as outlined in the Reasons for Designation attached hereto and marked Appendix "A", pursuant to the provisions of the Ontario Heritage Act, 1997, Part IV; and,

b) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1997.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: n/a

BACKGROUND:

It should be noted that the above recommendation pertains to the buildings and open space which comprise the historic core of McMaster University. A new University Centre of 105,000 square feet is currently being proposed as in-fill construction in this historic core area.

The Committee clearly stated that they supported McMaster's decision to provide a new University Centre and that their main concern was with the building's proposed location within the historic core.

It should also be noted that designation under the Ontario Heritage Act does not protect buildings permanently against demolition but rather provides, with Council approval, a 180-day delay of demolition. Nor does the Ontario Heritage Act prevent alterations to a designated building but does have a provision known as a Heritage Permit whereby Council may approve proposed alterations.

LACAC at its full committee meetings, at its Research Sub-Committee meetings and on site visits has reviewed and evaluated the historic core of McMaster University on twelve occasions.

On 1998 February 11, LACAC viewed the two current proposals for the new University Centre--Option C proposes an entirely new free-standing building replacing Alumni Memorial Hall and Option A/C proposes adding two wings onto Hamilton Hall, one at its south-east side and another on its west side.

After this lengthy deliberation, LACAC has come to the following conclusions:

(1) That the historic core of McMaster University is of architectural and historical significance and worthy of designation;

(2) Given that the Committee's mandate is to preserve historically and architecturally significant buildings, LACAC's first preference is to find a site for the new University Centre outside of the historic core of the campus, i.e., not Options A, C, or A/C, in order to preserve the architectural integrity of Hamilton Hall, University Hall, the Refectory, and Alumni Memorial Hall and their setting;

(2) If LACAC would have to make a choice between Option A/C and Option C, the Committee would prefer Option A/C in that it doesn't result in the demolition of any historic buildings. Committee Members, while they could not endorse the Option A/C in its present form, were open to the possibility that some kind of compromise solution could be achieved at this site;

(3) LACAC could not support Option C at all because of the loss of Alumni Memorial Hall and its setting.

The President and Vice-Chancellor of McMaster University, Dr. Peter George, has been advised of LACAC's concerns both informally and by registered letter. Another registered letter will be sent to him today, 1998 February 12, advising of LACAC's recommendation and the consideration of this matter at the Planning and Development Committee meeting on 1998 February 18.

Chronology:

1997 October	McMaster announced a review of four optional sites for the new location of the proposed University Centre. Subsequently, the four sites were reduced to two sites, one of which--Option (C)--called for the demolition of Alumni Memorial Hall for the new structure.
1997 November 11	A letter requesting the designation of Alumni Memorial Hall was sent to LACAC by Dr. Norman Shrive, a McMaster alumnus and former professor, who was actively engaged in the planning and fund-raising for this building in the late 1940s.
1997 November 24	At a special meeting, LACAC evaluated Alumni Memorial Hall as well as the five other original buildings comprising the historic core, inclusive of open space, to be eligible for designation under the Ontario Heritage Act. All buildings were listed on the Inventory of Buildings of Architectural and/or Historical Interest for the City of Hamilton.
1997 December 15	Letter from LACAC to McMaster President and Vice-Chancellor, Dr. Peter George, requesting a meeting with him and the Board of Governors to discuss McMaster's historic core.
1998 January 12	LACAC requested Staff to prepare the Reasons for Designation (attached).
1998 February 2	Registered letter sent from LACAC to Dr. Peter George advising that the Committee is currently considering recommending designation of the historic core of the campus.
1998 February 9	Meeting of LACAC with Dr. George, Mr. Ivison, Chair, Board of Governors, Mr. Soomet, Chair, Planning and Building Committee, Mr. Darling, Vice-President Administration, and Ms. Howard, Director of Public Relations.
1998 February 11	LACAC made site visit to McMaster campus to view the new design proposals by architects Moriyama and Teshima for the University Centre for Site Option A/C and Site Option C. The Committee subsequently met at City Hall and, after extensive discussion, approved the above recommendation.

attached

cc Mayor R. M. Morrow
Victor Abraham, Director, Planning and Development Department
Nina Chapple, Planning and Development Department
Patrice Noé Johnson, City Solicitor
Dr. Peter George, President and Vice-Chancellor, McMaster University

APPENDIX "A"

McMaster University: Historic Core
(University Hall, Hamilton Hall, Wallingford Hall, Edwards Hall, The Refectory and Alumni Memorial Hall)

REASONS FOR DESIGNATION

CONTEXT (Present Setting and History of the Site)

The historic core of the main campus of the present-day McMaster University comprises a cluster of five Collegiate Gothic brick and stone buildings opened in 1930 (University Hall, Hamilton Hall, the Refectory and two residences) and Alumni Memorial Hall, built 20 years later in a similar style. Placed informally in partially enclosed quadrangle configurations, these stylistically unified buildings loosely follow the irregular edge of the heavily wooded ravine area forming the northern boundary of the campus. Though not part of the original complex, the modestly scaled Alumni Memorial Hall fits unobtrusively into its setting, standing on a triangular pocket of sloping land bounded by the ravine to the west, University Hall and Hamilton Hall to the south, and Edwards Hall to the east. The open space between the buildings and bordering the ravine is landscaped with grass, trees and a network of footpaths. With the exception of the greenhouse added in the late 1960s, the historic core has essentially retained its original character, notably, the harmonious relationship between the buildings and landscape.

The planners for the original Hamilton campus of McMaster University envisaged a seat of higher learning set in parklike surroundings. This concept was developed as part of a larger beautification scheme spearheaded by Thomas B. McQuesten, an influential member of the City's Board of Parks Management. Largely implemented between 1927 and 1932, this scheme also encompassed a wildlife sanctuary around Cootes Paradise, nature trails, a rock garden and other landscaped areas which together make up the present-day Royal Botanical Gardens, as well as a grand north-western entrance to Hamilton with a monumental high level bridge over the Desjardins Canal.

The original landscaping plan for the McMaster campus was prepared by Dunnington-Grubb, one of Ontario's foremost landscape gardening and design firms. As recommended by Dunnington-Grubb, and endorsed by the Parks Board, the first buildings were carefully sited to take full advantage of the natural setting, described at the time as "one of the most beautiful natural ravines in Canada"*. Only the two large central academic buildings, Hamilton Hall and University Hall, were primarily oriented towards King and Main streets to the south: the latter, with its dominant corner tower, provided a strong visual terminus to University Avenue, once the principal approach to the campus. Plans to beautify the City-owned lands south of the campus

included a sunken garden between King and Main (built according to plans prepared by Dunnington-Grubb and removed for the construction of the Health Sciences Complex).

* McMaster University, Hamilton, Ontario", *Construction*, November 1930, p. 373.

HISTORY (Institution and Buildings)

McMaster was founded in 1887 in Toronto as a small Baptist university devoted to arts and theology, named after its founder and first benefactor, Senator William McMaster. A campaign to bring McMaster University to Hamilton, launched by a Citizens' Committee and headed by local businessman William J. Westaway, concluded successfully in 1927. McMaster then accepted the City's offer, which included the donation of a magnificent site just west of the emerging suburb of Westdale; landscaping to be undertaken by its Parks Board (both on the campus and the adjacent lands south of King Street) and a gift of $500,000 from the citizens of Hamilton to build a science building.

The transplanted McMaster University re-opened in 1930 with Howard P. Whidden as its first chancellor and a combined faculty and student population of about 650. It soon ranked as one of the principal institutions of higher learning in the province, along with the University of Toronto, Queen's University (Kingston) and the University of Western Ontario (London). McMaster retained its Baptist affiliation until becoming a non-denominational institution in 1957.

The original cluster of five buildings, all erected in 1929-30, comprised University Hall (arts and administration building), which included a library and auditorium (Convocation Hall), Hamilton Hall (science building), Edwards Hall (men's residence), Wallingford Hall (women's residence), the Refectory (dining hall and central heating plant). Fund-raising for an ambitious scheme to build a large student recreation centre, that would also serve to honour the 54 students and graduates who lost their lives in the first and second world wars, was begun in 1946. Three years later, when the funds pledged by alumni and undergraduates still fell far short of the total required, it was decided to proceed with a scaled-down version on a different site. Completed in 1951, Alumni Memorial Hall originally housed a cafeteria (the Buttery), men's and women's lounges, a common room (the Great Hall) and offices for the Alumni Association.

ARCHITECTURE

Designed by the noted Hamilton-born, Toronto-based architect, William Lyon Somerville, in association with J. Francis Brown & Son, the original five buildings rank as very good examples of the Collegiate Gothic style. The architects followed a precedent established for new buildings on other Canadian university campuses, which took their inspiration both from the medieval colleges of Oxford and Cambridge and the late 19th/ early 20th century American campus buildings influenced by this tradition (notably, Princeton University). The McMaster buildings

are included in a brief national survey of Collegiate Gothic architecture, along with several earlier Canadian examples: various buildings for Victoria College, and Hart House (1911-24) at the University of Toronto, the College of Agriculture at the University of Saskatchewan (1910-12) and the Science Building at the University of British Columbia (1914-25).* The two main buildings, University Hall and Hamilton Hall, were described by the art historian and McMaster graduate, Robert Hubbard, as "probably the best Gothic group in Canada", after parts of Victoria College and Hart House.** They are distinguished by their stone exteriors: rock-faced ashlar with dressed stone trim and carved ornamentation. The other four buildings are brick masonry with stone trim. All pitched roofs are covered with slate; and the original windows were all leaded glass casement windows.

* Harold Kalman, *A History of Canadian Architecture*, vol. 2 (Oxford University Press: 1994), pp. 706-711

** R.H. Hubbard, "Modern Gothic in Canada", *National Gallery of Canada Bulletin*, vol. 25 (1975), pp. 3, 15.

Inspired by the 15th century Magdalen College at Oxford University and reminiscent of Hart House, University Hall is the most architecturally distinctive of the original McMaster buildings. This three-storey building with a rear wing housing Convocation Hall is notable for its buttressed corner tower with a Tudor archway, crenellated parapet and carved stone finials, its picturesque roofline created by the projecting gabled third-storey windows and chimney stack, its varied fenestration (including some stone tracery, an elaborate two-storey bay window on the tower and an oriel window), and its dignified main entrance. This raised entrance portico features a pointed archway with decorative wrought-iron doors, an ornate carved stone surround and a crenellated parapet bearing the University crest.

University Hall also has the finest interior space: the large auditorium known as Convocation Hall, which was designed in the tradition of English college halls. The main space is divided into seven bays, articulated by Tudor-arched wood trusses sprung from stone corbels (representing the heads of famous scientists and philosophers) to support an oak-panelled ceiling. Rising between the corbels are tall leaded-glass Gothic windows with stone tracery and frames. The rear of the auditorium features a balcony supported by four octagonal columns with a solid paneled oak balustrade and a set of three double wood doors leading to the stair hall. At the front, the Tudor-arched opening of the proscenium focuses attention on the impressive stained-glass Gothic window above the platform: the Bunyan Memorial Window.

The adjacent Hamilton Hall, an L-shaped 3-storey building, is similar in construction and exterior detailing to University Hall but has a somewhat more utilitarian character, in keeping with its original function as a science facility. Notable features include the crenellated parapet of the predominantly flat roof, the very large casement windows on the first and second floors (laboratories and lecture rooms), the carved stone oriel window with its sundial, and the entrance portico with its pointed archway, wrought-iron gates, and stone carvings symbolizing the joint McMaster/Hamilton project and representing the various sciences.

The two residences: Wallingford Hall (for women) and Edwards Hall (for men), though differing in size and layout, are very similar in their exterior treatment. Both have Tudor-arched doorways with cut and carved stone surrounds, casement windows with cut-stone surrounds, and picturesque rooflines with tall gables and chimneys. Wallingford House also features two-storey bay windows and an oriel window over the east entrance (all constructed of stone).

The Refectory, though similar in its massing and materials to the residence buildings, has a more domestic "Arts and Crafts" character, with stone used sparingly for plain capstones and sill courses. It features a prominent steep-pitched roof surmounted by a cupola (over the dining hall), buttressed walls, two open wood porches with steep gable roofs (west and north facades), and two tall bay windows. The spacious dining hall is notable for its impressive open-truss, wood-panelled ceiling with the original hanging globe light fixtures.

Built in 1949-51, Alumni Memorial Hall was sensitively designed by the architects (Bruce Brown and Brisley in collaboration with W.L. Somerville) to complement the style of the original buildings, respect their siting and take full advantage of the ravine-edge setting. Built on a sloping site, this T-shaped 1 1/2 storey brick masonry building has an above grade basement on the west facade, allowing for panoramic views of the ravine from both the main hall and dining room below. In its overall massing and detailing, Alumni Memorial Hall, most closely resembles the Refectory and, except for the elaborate front entrance, possesses the same domestic character. The projecting entrance porch, with its Tudor archway, cut-stone surround and recessed Tudor-arched doorway serves as a visual focal point for visitors approaching the building via the long straight pathway from Scholar's Road. The double glazed wood doors lead directly up a small flight of stairs to the impressive main hall with its high wood-panelled truss ceiling and stone fireplace.

DESIGNATED FEATURES

The boundaries of the designated property extend from the west side of Wallingford Hall to the east side of University Hall and Edwards Hall and from Scholars Road to the ravine edge and the north side of Edwards Hall; it also includes Hamilton Hall and Alumni Memorial Hall.

Important to the preservation of the cluster of five original buildings and Alumni Memorial Hall are:

- the original architectural materials and features of the facades and roofs of all six buildings, including the stone ashlar and brick masonry walls; cut stone door/ window surrounds, mullions and tracery; stone entrance steps, carved stone ornamentation, wrought-ironwork (notably the entrance doors of University Hall and Hamilton Hall).
- the landscaped open space within the boundaries defined above, including the low stone wall with the Tudor archway linking University Hall and Edwards Hall.

Excluded are:
- the brick masonry entrance and stairwell addition to the south facade of the Refectory, providing access to the basement cafeteria/pub (1964-5).
- the glazed bridge connection to Gilmour Hall on the north facade of the tower of University Hall (1970-71).
- the greenhouse between the Refectory and Hamilton Hall (circa 1968).
- ancillary service and utility structures.

Also important to the preservation of University Hall, the Refectory and Alumni Memorial Hall are the interior spaces identified respectively as Convocation Hall, the Refectory Dining Hall and Memorial Hall and all of their original architectural finishes and features.

2. (a.)

Dear Council Members,

I am writing in regards to the move by Hamilton City council to place Alumni Memorial Hall at McMaster University under the protection of the Ontario Historical Protection Act. I am a Mechanical Engineering and Society Student currently attending McMaster University. I support, and applaud this move by Hamilton City Council to protect this landmark at McMaster, which is very much a part of the University's and Hamilton's heritage.

Alumni Memorial Hall is one of the older buildings at McMaster. It is also the most beautiful building on campus. The inside of the building is extremely beautiful. Everyone who has ever been inside, has commented on it's extreme beauty, and fine craftsmanship, something you no longer see in construction. It also contains the war memorial to the men, and women of McMaster who went to war, to fight for our freedom, and gave the ultimate sacrifice, so that we may be free. It contains a window that was in senator McMaster's house. It is the site where many companies hold on-campus recruiting, it is also used for many other formal occasions such as weddings. The MSU, and McMaster university have said that they will preserve the important parts of this building in the new student centre, if it is built on this site. However I have seen buildings where this has happened, and they are for lack of a better word "hideous".

The building itself is located halfway between the Academic Buildings at Mac, and the North Quad residences. To all the students here at Mac this building, and the area around it holds special importance. I have lived in a McMaster Residence for three years now. Some of my fondest memories of these last three years have been at, or around Alumni Memorial Hall. In the warm weather it's an area where students hang out, relax, and reflect on life. In the winter it is where snowball fights occur, and the hill behind it is used for tobogganing. It is where my residence held its 25th anniversary celebration, an event attended by current, and past students. The area around the building is used for numerous events during Welcome Week (the first week of school). There are many events held in the hollow located behind the building, everything from concerts, to movie nights, to air bands.

In conclusion I would just like to say that I would like to see this building receive historical protection, because I feel it is a very important part of McMaster's, and Hamilton's heritage, and also an important part of the McMaster community. Thank you for taking the time to read my letter.

Sincerely,
Cyrus M. Jeejeebhoy
Mechanical Engineering and Society

To: Stella Glover
From: Cyrus M. Jeejeebhoy
Subject: Alumni Memorial Hall McMaster University

Myself. and another person would like to make a presentation at the council meeting on planning on Wed. March 9/98 regarding the proposal to make Alumni Memorial Hall at McMaster a historic site.

2. (b.)

February 26

Ms. Stella Glover
Secretary, Planning and Development Committee
City of Hamilton

Dear Ms. Glover:

I understand that next week your committee is to consider the question of whether the so-called "historic core" of McMaster University should be designated under the Ontario Heritage Act. I support such action and I attach for your information a copy of a letter which I wrote recently on the subject of the siting of the proposed University Centre. The Site C , which I refer to in my letter as deserving of protection, comprises a large part of the historic core. I hope you will copy my letter to the committee.

I note by way of presenting my credentials that I served as the University's representative on the City's urban renewal committee in 1970-71 and chaired the Ancaster Planning Advisory Committee in 1973. As I note in my letter, I have taught urban planning for a number of years.

Sincerely

Leslie J. King

Leslie J. King

Mr. U. Soomet
Chair, Planning and Building Committee
McMaster Board of Governors

February 20, 1998

Dear Mr. Soomet:

I have read copies of the letters that you have received recently from Professors Jenkins and Petric on the subject of the University Centre. I believe that they convey very well a strong sense of the anger and frustration felt at present by a significant number of members of the McMaster community towards the proposals for the Centre now on display and towards the process that has produced them. I share the concerns expressed by my two colleagues and fully endorse their letters.

One of my fields of interest and expertise is urban planning and for the past several years I have taught third and fourth-year undergraduate courses on the subject. In the literature and the practice to which I refer in my teaching, increasing attention is being paid to the concepts of **sustainable development** and **sustainable communities**. The arguments on these themes are often fuzzy but they are expressive nevertheless of an awareness, more deeply felt than in the past, that in the planning and management of our communities we have a responsibility to future generations and to the well-being of the communities in which they will live and work.

The Hamilton-Wentworth Regional Council acknowledged this responsibility in 1994 when it adopted its new Official Plan, **Towards a Sustainable Region,** that was shaped in part by the recommendations of the earlier **Vision 2020** report. Later that same year, Council also adopted the final report of the **Renaissance Project** with its plans for the implementation of the Vision 2020 agenda. In the development of these different reports and plans, McMaster faculty, staff and alumni played important roles and it is hardly surprising that in the Renaissance Project report the University is acknowledged as "a major partner with exceptional resources and research to facilitate and support the environmental strategy of the community."

We can do more; we can lead by example in the fashioning of a sustainable community. The Centre must be built; but the splendid commitment to the project by earlier classes and the present class of students must not blind the University to its over-riding responsibilities towards all of the future generations who will work and study and visit on this campus.

The Centre can and should be built without the destruction of, or any infringement upon, the physical and built environment that is identified as Site C. That precinct is a far too valuable part of our legacy to the future for it not to be protected. I urge you and your committee to acknowledge this responsibility and to recommend to the Board that the Centre be built elsewhere on campus.

Yours sincerely,

Leslie J. King

Leslie J. King Ph.D., F.R.S.C.
Professor of Geography

cc. Dr. P. J. George
Mr. D.A.S. Ivison
Drs. Jenkins, Petric, Beattie

2.(c.)

Jaskula, Sherk, Flaherty & Weston
Barristers and Solicitors

TELEPHONE 905-577-1040
FACSIMILE 905-577-7775

THIRD FLOOR
135 JAMES STREET SOUTH
Hamilton, Ontario
L8P 2Z6

JOHN L. JASKULA, Q.C. (1957-1989)
CHRISTOPHER B. SHERK, B.Sc., M.B.A., LL.B.
L. CHARLES FLAHERTY B.A., LL.B.
RONALD J. WESTON, LL.B.

COUNSEL: BRIAN W. B. MORISON Q.C., LL.B, LL.M

BRIAN
TELEPHONE: [illegible]
FACSIMILE: (905) 528-1160

February 25, 1998

F

FAX TO: 546-2095
Alderman Frank D'Amico
Chairman Planning & Development Committee
City Hall
Hamilton, Ontario

A

Attention: Stella Glover, Secretary

Dear Ms. Glover:

Re: McMaster University Proposal
to Demolish Existing Buildings
and Replace with a Student Centre

X

I understand that this matter is coming before the Planning and Development Committee also on March 4th. I am in support of the proposal to make the core buildings of McMaster a heritage site. I am opposed to the destruction of the memorial building as it was constructed in memory of the McMaster grads who were veterans of the major conflicts of the past 50 years.

As a veteran I oppose the destruction of this memorial. I wish to speak at the meeting if the matter comes up on March 4th.

Yours very truly,

Brian Morison

BRIAN W.B. MORISON

BWBM/mjk

2. (d)

Westinghouse Canada Inc.

Power Generation Canada
PO Box 2510
Hamilton, Ontario L8L 6E6,
(905) 528-8811

Date February 25th, 1998

To: Stella Glover

Planning and Development Committee

Phone
Fax Phone **546-2095**

From:

Derek Clark
Combustion Turbine Engineering Dept.

Phone **(905) 528-8811 x3097**
Fax Phone **(905) 528-7302**

Good Morning Stella,

I am a McMaster University engineering student currently working on an industrial internship. I have just been informed that there may be plans to demolish the Alumni Memorial Hall (Faculty Club) in order to create the space needed for the new university student centre.

I am writing this letter to show my objections to this demolition. I believe that the Alumni Memorial Hall is a beautiful part of the McMaster University landscape and should be protected under the Heritage Protection Act by all means. I am told that there is an alternative site for the new student centre, thus I believe the choice of site is clear.

The destruction of this historical building also destroys part of the history of the university. McMaster is known for it's beautiful campus and destroying part of it will in turn destroy part of its beauty. Please protect this historical treasure.

Sincerely,

Derek Clark

Derek Clark.

2.(e.)

F[illegible] 1998

VIA FAX AND MAIL

February 17, 1998

Corporation of the City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Attention: Frank D'Amico, Chair
Planning and Development Committee

Dear Mr. D'Amico:

Re: McMaster University - Designation recommendation of the historic core

The Ontario Heritage Foundation is a not-for-profit agency established by the Province of Ontario in 1967. It operates under the *Ontario Heritage Act*, R. S. O. 1990. It is dedicated to the preservation, protection and promotion of Ontario's cultural and natural heritage resources and the promotion of sound conservation practices.

We are writing to you today, on behalf of the Foundation, to express concern for the future of the six buildings and their unique setting which are the historic core of McMaster University. Recently, it has come to our attention that this site on the campus is being considered for heritage designation. At the same time, various options are being examined for its redevelopment.

What provides a particular site with heritage value depends upon the attributes of that site and how they inter-relate to each other. In some cases, the value is derived solely from the architecture. In others, it comes from the natural or open space qualities.

...2

10 Adelaide Street East, Toronto Ontario M5C 1J3 Telephone: (416) 325-5000 Facsimile: (416) 325-50
10, rue Adelaide est, Toronto (Ontario) M5C 1J3 Téléphone : (416) 325-5000 Télécopieur : (416) 325-507

Across Ontario there are special places of value where the architectural environment and the surrounding setting form an integrated, cohesive cultural landscape. The historic core of McMaster is just such a place. This complex of six buildings and open spaces, which are configured to inter-relate with the adjacent natural beauty of Cootes Paradise and its ravines, is a significant cultural landscape. In particular, it demonstrates how an architectural environment which is unified in style, scale, massing, texture, materials and configuration can be integrated with a natural setting to create a cohesive landscape that fosters academic excellence.

We hope that the direction chosen for re-developing McMaster University recognizes and respects the integrated nature of this complex of buildings, open spaces and natural setting. The key to their ongoing heritage value lies in their continuing inter-relationship. Certainly, one step towards preserving and promoting the heritage qualities of a site is to designate it under the *Ontario Heritage Act*. The Act provides a means to identify and recognize the value of local landscapes, as well as a level of protection against unsympathetic change.

The Foundation recognizes that the City of Hamilton has a long and proud history of supporting the conservation of its cultural and natural heritage resources. We are confident that the City will continue to promote sound conservation principles to protect its valuable heritage sites in this and other planning matters.

Yours truly,

Mary Ellen Hebb /per: JF

Mary Ellen Hebb
Co-Chair, Heritage Programs Committee
Board of Directors, OHF

Lesley Lewis

Lesley Lewis
Executive Director

c.c. Stella Glover, Secretary, Planning and Development Committee
Nina Chapple, Architectural Historian, Planning and Development Department, City of Hamilton



THE ARCHITECTURAL CONSERVANCY OF ONTARIO
HAMILTON REGION BRANCH

2.(f.)

12 February 1998

D.A.S. Ivison
Chair of the Board
Board of Governors
McMaster University
University Hall, UH-115
1280 Main St. West
L8S 4L8

Dear D.A.S. Ivison:

It is with great regret that I am writing in response to the letter distributed on October 14th, 1997 by University President Peter George, referring to the Moriyama & Teshima's, ***University Centre Study: Preliminary Commentary*** .

The Hamilton Region Branch of the Architectural Conservancy of Ontario Inc. (ACO) is opposed to the present course of development as proposed by the current McMaster University (McMaster) administration. The designs submitted by the architects, *Moriyama & Teshima*, will result in the irreversible destruction of a portion of the architectural heritage of McMaster, the City of Hamilton, and the Province of Ontario. The proposal put forward by *Moriyama & Teshima* will lead to the destruction of a significant architectural gem, the Alumni Memorial Hall, and will also result in the permanent degradation of the architecture of the adjacent buildings and landscape.

There is a need for a modern student centre, but not at any of the proposed sites, A through C. The ACO questions the process of site selection and its impact on the core of buildings and landscaping developed between 1929 and 1951. The sanctity of the Collegiate Gothic buildings and their immediate environs is paramount. Any proposed development in this area of the campus, either built or landscaped, should have heritage impacts as the primary consideration. The relationship which exists between these structures and their surrounding landscape should have been foremost in the minds of McMaster administration when issuing their initial directives to their advising architects. The current scale of the proposed structure will permanently destroy the original architectural planning of the original core buildings and landscaping.

The present leadership of McMaster seem to have forgotten, or chosen to ignore the development history of the campus as a whole, and its immediate neighbour to the east, Westdale. Their decisions regarding the proposal under consideration will result in both immediate and long-term impact, which stretches beyond the confines of the campus proper. McMaster and Westdale compliment each other and are integral components of a much grander vision, the evidence of which first appeared in the planning of the early 1920's.

That vision culminated during the mid-1930's in a series of planned beautifications for the City of Hamilton's West End. Landscapes, neighbourhoods and structures were developed in a sweeping arc stretching from the RBG, past the York Street Bridge, around Cootes Paradise and terminating on the west side of campus. This vision grew out of the "City Beautiful Movement" which had spread throughout the English speaking world by the time it had reached fruition in Hamilton.

McMaster and Westdale have common roots, each of which stems from the City Beautiful Movement. The direct involvement in the development of those roots by the architect William Lyon Somerville, a native son of Hamilton, was twofold. First, the plans for the first major development effort of present day Westdale were conceived and nurtured in part by Somerville. Second, the plans for the Hamilton campus site of McMaster, from its earliest conception involved Somerville.

The common roots of McMaster and Westdale also stem from the direct involvement of local individuals such as the nationally respected industrialist, W.J. Westaway, and the provincially prominent politician, T.B. McQuesten. The decision to move from the old City of Toronto campus to the present City of Hamilton campus a collaborative and protracted process with final approval coming from McMaster administration, prominent individuals such as Westaway and McQuesten, and alumni. The various alliances that developed at that time and continued for decades ensured that initial local support and future development was not limited simply to revenue generation. Significant contributions came in the form of donated lands by the local developers of Westdale. This alliance ensured that McMaster received the land that it initially required, as well as setting the pattern for further land accruals in 1939, and the late 1960's. Therefore, it should come as no surprise that this pattern of planned progressive development was first established, and then nurtured by McQuesten and Somerville. Both men were long time proponents of the benefits a city could derive from a planning process adhering to the ideals and goals espoused by the international advocates of the City Beautiful Movement.

The selection of the present campus site was made after carefully considering the campus' relationship to the immediate environment. That environment includes the adjacent nature preserve, that is part of today's Royal Botanical Gardens, and the developing Westdale neighborhood. The carefully considered selection of collegiate gothic as the architectural style for the early buildings would eventually set the tone for the residential architecture of Westdale. The institutional and residential architecture, the campus and residential landscape, and streetscapes are all consistent with the trends and styles in use across North America at that time. Westdale itself represents one of the first self-contained planned community developments in the Province of Ontario. The integration of the campus with both the neighbourhood and the entire west end of the City of Hamilton makes this a unique area in Canada.

The architecture of the Alumni Memorial Hall has a story to tell as well. The architects, Bruce Brown & Brisley; W.L. Somerville, associate architect, did not simply select a style that would honour McMaster's Alumni who were war veterans. The architects chose a style honouring both the adjacent architecture and the Chapel of the old McMaster campus in the City of Toronto. The Chapel is one of that campus's most distinctive structures. Designed in the early 1890's by the respected Toronto firm of Burke and Horwood, the Chapel represents a lushness typical of late 19th Century Gothic Revival style. Overall, the exterior treatment of the Alumni Memorial Hall was the more restrained Gothic Revival style typical of the 1930's, this despite the building having been designed and constructed in 1951. However, the interior retains all of the warmth and reverence as well as the attention to detail and workmanship exhibited by the earlier Chapel. It is truly a unique building while at the same time it is in harmony with it's neighbours.

The ACO strongly urges the present McMaster University administration to reopen the site selection process. There exists at present other sites on campus which do not appear to have been studied, or at least acknowledged publicly as having been under consideration. The site adjacent to M.U.M.C. and Wentworth House does not appear to have been considered fully and may have been dismissed out of hand because of long term miscommunication between McMaster and the neighbouring home owners. As well, the site adjacent to the old Teachers College complex and the various Engineering Buildings offers an excellent site. These are but two possible alternative locations meeting ALL nine principles outlined by the advising architects, Moriyama & Teshima.

Finally, we respectfully suggest that the Board of Governors request their advising architects to inspect other campuses across North America. The University of Manitoba (UM) and the University of Western Ontario (UWO) offer two examples of the "Big Block" building advocated by the advising architects. The selection of this scale of building for these two campuses was unfortunate. In particular, the siting of the former demonstrates the lack of site planning, ruining a formal landscaped causeway and dominating the neighbouring heritage buildings in the process. The Michigan State University (MSU) Student Union building demonstrates the fruits of a successful planning process. McMaster being a moderately sized campus will be well served by the undertaking of a comparative study of MSU. MSU is one of the largest campuses in North America and has successfully integrated its built and landscape architecture with the needs of its students, faculty and alumni.

Sincerely,

Robert D. Hamilton
President
Hamilton Region Branch
Architectural Conservancy of Ontario Inc.
90 Burris Street
Hamilton, ON
L8M 2J5

Cc: Dr. H.D. Barber, Vice Chair of the Board
Cc: Dr. W.B. Frank, Secretary of the Board
Cc: Peter J. George, President and Vice Chancellor
Cc: Alderman D'Amico, Chair, Planning and Development Committee, City of Hamilton
Cc: Diane Dent, Chair , Local Architectural Conservation Advisory Committee, City of Hamilton

McMASTER UNIVERSITY
Office of the Board of Governors
1280 Main Street West, Hamilton, Ontario L8S 4K1
Telephone: (905) 525-9140 Ext. 24370, Fax: (905) 526-9884

February 18, 1998

Mr. Robert D. Hamilton
President
Hamilton Region Branch
Architectural Conservancy of Ontario Inc.
90 Burris Street
Hamilton, ON L8M 2J5

Dear Mr. Hamilton:

I am writing to acknowledge receipt of your letter of February 12, 1998. I note that the Hamilton Region Branch of the Architectural Conservancy of Ontario is opposed to the building of our University Centre on Sites A and/or C.

While I found your account of the history of the development of Westdale and the McMaster Campus, especially their architectural roots, interesting, I cannot at this time accede to your request that our administration re-open the site selection process.

As you yourself acknowledge, there is a great need for a modern University Centre. In 1991, for a number of compelling reasons, economizing on capital and operating costs and campus centrality among them, the Board directed that site selection be focused on the environs of Hamilton Hall. The wisdom of this site orientation has been confirmed by an architectural planning study, undertaken by Moriyama and Teshima, and by the three architectural firms who participated in our recent design competition.

Consideration of site and architect selection, as well as project budget is in the hands of the Board's Planning and Building Committee, and the Committee recommendation will be forwarded to the Board for action on March 19, 1998.

.../2

Rest assured that the Board will make its decision in the best interests of McMaster University and the neighbouring Westdale and Hamilton communities, with due appreciation for both our splendid shared traditions and for the needs of future generations of students and other university members.

Yours sincerely,



D.A.S. Ivison
Chair, Board of Governors

cc: Dr. H.D. Barber
Dr. P.J George
Dr. W.B. Frank
Alderman D'Amico
Ms. Diane Dent

C:\WORK\BOG\CORR\2HAMACO.RSP

2. (9.)

McMASTER UNIVERSITY FACULTY ASSOCIATION

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905-525-9140,
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mufa@mcmaster.ca

MUFA on the WEB
http://www.mcmaster.ca/mufa

February 13, 1998

Mr. F. D'Amico
Chair
Planning and Development Committee
City of Hamilton

Dear Mr. D'Amico

Attached are several items which you may wish to provide to members of the Planning and Development Committee. I believe that they will be useful as background information for their February 18 discussion of LACAC's recommendation that the "historic core" at McMaster University be designated under the Ontario Heritage Act.

Sincerely yours

Catherine Beattie
President

Enclosures
C:\OFFICE\WPWIN\WPDOCS\CORRESPO\DAMICO.UC

McMaster Courier

VOLUME 16, NUMBER 19 McMASTER UNIVERSITY, HAMILTON, ONTARIO DECEMBER 8, 1997

University Centre project

No shortage of opinions at town hall meeting

Opinions. There were lots of them at a recent town hall meeting on the University Centre. The one voiced most frequently was that neither site (Option A or C) proposed by architects Moriyama and Teshima is a suitable location for the long-awaited centre. The most radical one was that the student centre be located on the University Mall, in front of the Burke Science and John Hodgins Engineering buildings, an area of campus long considered sacrosanct.

About 200 people turned out for the two-hour meeting held in Convocation Hall on Dec. 2 and moderated by Urmas Soomet, chair of the University's Planning and Building Committee and of an architect selection committee that will choose the architect to design the project. University President Peter George, Board Chair Don Ivison, and vice-president administration and chair of the University Centre Steering Committee Alexander Darling were also present to hear concerns and present views and information.

In his introductory remarks to the group, University President Peter George expressed confidence in the good faith of those gathered and made it clear that he intends to keep his promise to students to help make the University Centre a priority. While no decision has been made on the location of the facility, George said that siting it in the heart of campus is critical to its success. He also said that the advantages of having such a facility would be worth the change and loss that might be experienced. He expressed no personal preference for either proposed site, and said he hadn't made up his mind on how he will vote.

Many central themes emerged from the concerns that were raised by the 15 faculty, students, staff and alumni who took their turns at the microphone: neither site location was acceptable; other site locations should be considered; the timing was inappropriate; there had been a lack of consultation and information; green space and the environment were being given short shrift; demolition of treasured campus buildings should be avoided; there were biases in the architects' report.

VIEWS HEARD

Through it all, both Soomet and Ivison provided stakeholders with strong reassurances that their views would be heard and considered by the Board in its deliberations before a final decision on site selection and architect is made, now most likely at a special Board meeting at the end of February. (The Board is expected to vote on financial and governance matters relating to the centre at its Dec. 11 meeting.)

At the same time, they expressed a commitment to proceed with the project, currently some 16 years in the making, and to maintain respect for the concerns of partners involved in the project.

One questioner, William Renwick, a professor in the School of Art, Drama & Music, challenged the moderator to call a show of hands for support for Site Option C. Soomet diplomatically declined the invitation, stating the decision of site selection was one to be made by the Board of Governors and not by referendum. "Those interested in this project are here. I'm sure a show of hands would be quite predictable," he countered.

continued on page 2

Town hall meeting reflects many opinions, suggestions

continued from page 1

Renwick also sought clarification on a remark that locations other than Site Options A and C might be considered. University President Peter George stated that only Site Options A and C or some configuration of those sites remain under consideration, despite urging from others for alternate sitings.

Materials science & engineering professor Tony Petric, questioned the use of the University's green space, which he described as one of the nicest natural settings in Ontario, for such a project. He called for a one-year moratorium on a decision to allow for more input. "Do it right and not fast," he said.

STUDENT CONCERNS

Students expressed concerns about governance and operational costs, accessibility, the centre's focus and alumni relations.

Burke Christian, representing students in the Faculty of Social Sciences, spoke of the students' contributions to the project and sought assurances that the governance structure created for the centre would be one comfortable to both groups. He also said he hopes that there won't be a heavy burden on students down the road — in the form of an extra levy to pay for operational costs.

Both Ivison and Darling assured him governance issues would be ratified by all parties. "The Board makes the decision with respect to land use, but obviously this (project) has to be a partnership," said Darling, noting that student fees collected are being held in trust; two-thirds of SRA members must vote in favour to release the funds.

Ivan Luksic, a Faculty of Humanities student on the Student Representative Assembly, went on record in support of keeping Alumni Memorial Hall where it is and intact. "People gave money for that building; to have it knocked down is setting a bad precedent for future giving." He suggested Option C be modified so it wouldn't encroach on Alumni Memorial Hall or that Site A be amended so that the facility is moved forward more on Scholar's Road.

Level IV engineering student Alex Saegert suggested another location, Site X, on the Mall south of the flag poles. The project would be centrally located, he argued, and cost substantially less to build.

His proposal to use the Mall drew support from at least two University professors: philosopher David Hitchcock and psychologist Lorraine Allan.

Hitchcock said building the centre on the space near the ravine behind Hamilton Hall "is to thrust a dagger into the heart of the most beautiful space on this campus...It would be a desecration." Both locations have serious drawbacks, he expanded, suggesting a third option: a structure in the Mall built with a lot of glass to reduce the blockage of vistas.

Allan later threw her support behind a structure on the Mall, stating that cutting down a few trees was "less a bad thing to do than getting rid of a building." She drew prolonged applause from listeners when she cautioned the Board not to move too quickly and urged them to make a good decision. "I don't think Sites A and C can get the support of everybody," she finished.

In other remarks, staff member Joyce Wignall wondered why the staff association had been excluded from the proposed centre; retired professor of civil engineering Bob Korol called for a full cost accounting of the project; alumnus Don Brennagh suggested that the new centre be named Alumni Memorial Hall if the present building, which houses the Faculty Club, is torn down; graduate student David Browne challenged the University to build a facility that is "creative beyond what you see at other universities" and is more than just a revenue-generating annex.

FAVOURITE SPOTS

Arguably the most vocal of questioners, modern languages professor and alumnus Jerry Chapple raised many concerns and said the project was causing him great pain. "The town hall meeting should've been held about two months ago," he advised. And he warned that he, "as an alumnus, will never give a red cent to the University if that site (Option C, behind Hamilton Hall and near the ravine) is violated."

In his closing remarks, President George commented that the issue is one that involves high emotions and personal stakes. He said that he, too, has many favourite spots on campus. In the end, his goal is for a reasoned decision, but it may well be that this leads to a decision that causes some concerns. In the event this happens, George says he hopes "such divisions will heal quickly."

Final remarks came from Don Ivison, who thanked presenters for the clarity of their messages and for their deep interest in the institution. "The Board will progress within the limits of human ability to make a most reasoned, sensible and objective decision — always with the long-term interests of the University at the forefront of our decision."

SUMMARY OF VIEWS ON PROPOSED UNIVERSITY CENTRE SITE OPTIONS: OCT 7- NOV 17/97

Prepared for Town Hall Meeting December 2, 1997

BACKGROUND

On September 23 1997, a workshop discussion with some potential Centre "users" regarding the proposed University Centre took place as part of an "implementation study", conducted by Moriyama & Teshima. Four site options have been prepared and presented by Moriyama & Teshima. One possible site, described as option C, entails demolition of the Alumni Memorial Hall (Faculty Club). Results of the workshop discussions as summarized by Moriyama & Teshima seem to indicate site C as the preferred option. In response to this preference, on October 2, 1997, Catherine Beattie, President of the McMaster University Faculty Association (MUFA) sent out an e-mail message on g-mufagab to invite members to read and respond to the options. Results from 47 e-mails and 7 letters indicate that there is significant opposition to site option C from the MUFA membership.

RESULTS OF RESPONSES TO MUFA E-MAIL SENT OCT. 2, 1997

Type of Correspon · Oct. 2- Nov. 17/97

	Total	In opposition to option C	In favour of option C
E-mail Responses (Total # of Persons)	47	45	2
Letter Responses (Total # of Persons)	7	7	0
Total Responses (Total # of Persons)	54	52	2

Responses: Oct. 2/97 - Nov. 17/97

Code	Description	Number of Responses	Rank
1	History of Site C/ Alumni Memorial Hall	19	2
2	Beauty of Site C/ Alumni Memorial Hall	25	1
3	Overall Support in Opposition to Site Option C	13	3
4	Refers to Alumni That Provided Funding for Alumni Memorial Hall	8	5
5	Refers to Functions of the Faculty Club	9	4
6	Rejects Spending on University Centre, Instead Suggests Investing Funds in Other Areas	5	8
7	Proposes Other Suggestions	7	6
8	Other	6	7
9	Does Not Oppose Site Option C	2	9

* Numbers do not add up to 54, as some responses were assigned more than one code

Proposed Alternatives to Site Option C: Oct. 2/97 - Nov. 17/97

Site Option A	Site Option B	Site Option D	Other
7	0	10	19

*Some responses/persons proposed more than one alternative

WHO OPPOSES SITE OPTION C?

- McMaster Alumni
- Members/Professors in departments all over over the University
- MUFA
- Professors Emeritus
- Faculty Club of McMaster University
- McMaster University Retirees Association

WHY THE OPPOSITION TO SITE OPTION C?

- Beauty of Site C /Alumni Memorial Hall
- Functions of Alumni Memorial Hall/Faculty Club
- History of Site C / Alumni Memorial Hall

FUNCTIONS OF ALUMNI MEMORIAL HALL & FACULTY CLUB

- receptions; lectures; colloquia and similar functions; hospitality to prestigious visitors and events; plays important role in "Alumni Weekend", when we welcome Alumni, among whom are many active and potential donors to the university; wedding receptions; celebrations; means for generations of Alumni, Faculty and Staff to stay connected with the University...

- "...the Club engenders the academic vigour and collegial interaction that are a hallmark of the best universities." (Letter response, Faculty Club of McMaster University)

OTHER SUGGESTED OPTIONS

- the parking lot and tennis courts north of Togo Salmon Hall, maybe even the football field
- build addition to Hamilton Hall
- mix of existing building expansion, use of some of space below our treasured green spaces and some relocations
- south of Hamilton Hall, the originally approved area
- build on parking lot beside Gilmour Hall and erect parking garage
- Wentworth House and Daycare Centre area

Quotations selected by Catherine Beattie, from written messages and oral public statements, giving reasons for rejecting Site Option C:

Former Staff member: "It's the only place on campus that feels like a university."
Librarian: "It's the first place alumni want to visit when they come back to the campus."
Student: "That is by far my favourite part of campus. You could not improve on it. A building will only detract from it."
Student in residence: "We go there to relax. It's gorgeous. You'll take away our space."
Student in residence: "It's the best place to go for quiet reflection."
Faculty member: "The aesthetic damage, as well as the signalling of a wanton disregard of an historical legacy should be reason enough not to proceed with this unwise course of actions."
Alumnus: "You have a real treasure there [in AMH] which one comes to appreciate all the more when one has to work in so-called modern buildings like those we have at ...."
Professor emeritus: "...It would be a great loss to the University and the civic community if this building were to disappear."
Faculty members: "To allow a large new building to cut through the heart of this beautiful and historic space would be a grave mistake. No building, however well-windowed, can compensate for the loss of a splendidly peaceful and intimate open space surrounded by harmonious old architecture."
Faculty member: "Instead of demolishing the Alumni Memorial, McMaster should be displaying leadership to the local community in safeguarding a building which is well worthy of preservation for many reasons..."

Hamilton Spectator

SPEAKING OUT

Fine, old buildings are a vital link to our past

By ROBERT YATES

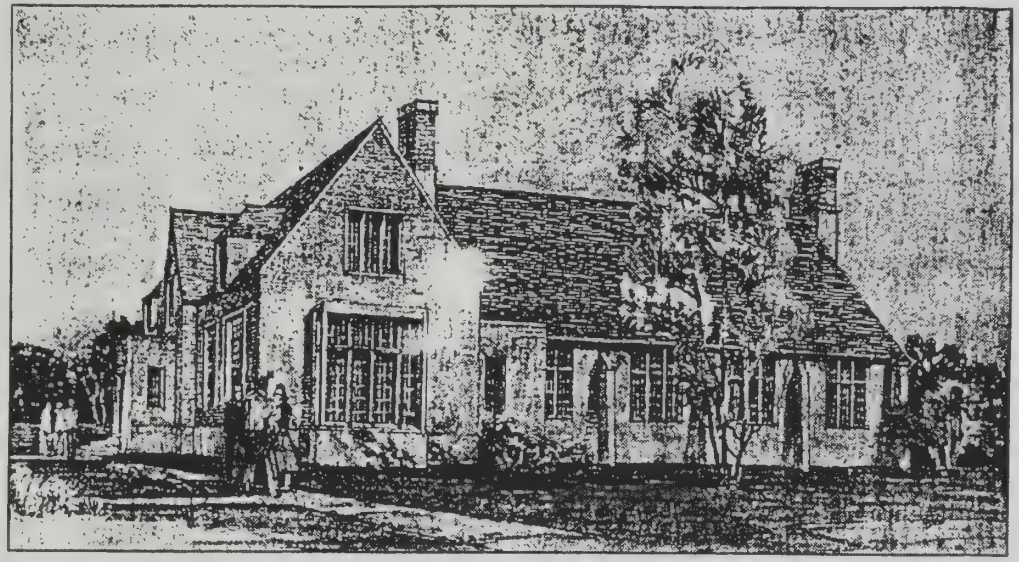
There are problems with the increasing changes underway in our society. Not only is there inadequate questioning of the introduction of many new things, but there is the loss of many old things whose continued existence would certainly help us in the long run.

One of the things currently being destroyed is continuity. This must be seriously questioned.

Valleys are paved, farms disappear, old buildings are ripped down, and social structures are rendered extinct. If each case is not thoroughly questioned, there may soon be no recognizable landmarks and no sense of a common heritage with those who lived here before us.

As everything becomes equally strange and unfamiliar for everyone, those with roots here older than Canada herself will find themselves in the same situation as newly arrived immigrants. Without exception or discrimination, everyone will feel like a stranger in a strange land. I believe in equality but I can't believe this will be good for us, either individually or collectively.

An essential part of Canada's character, perhaps the oldest part, is welcoming the new. But surely this does not mean the obliteration of everything that has gone before.



Architect's drawing of McMaster's Alumni Memorial Hall: It's threatened

Ties to past and future

The essence of a culture with depth and meaning is a relationship with both the past and the future. This relationship comes to life through the natural environment and the architecture and activities of those who lived here before we did.

When something is good, we must recognize it as such and make sure that it is not destroyed through carelessness or indifference.

When the splendid old Birk's building on the south-east corner of King and James was about to be demolished in 1972, people spoke out in vain against its destruction. Their protest was not a mindless clinging to the past in opposition to progress. It was felt that true progress must embrace the best work of those who went before. That wonderful, city-defining building is long lost to us. Had those who tried to save it succeeded, our surroundings would be far more meaningful. So would our grandchildren's.

Around the time of that demolition, the old core of Hamilton was blitzkrieged to make way for a brand new city hall, Hamilton Place, a new Art Gallery of Hamilton, Jackson Square and the convention centre.

It was suggested at the time that the Birk's building (a work of art) should be saved to house the new art gallery. That suggestion, ignored by the decision-makers of the day, is what should have been done. As is often the case, we listened to the wrong people.

The art gallery is now suffering and our downtown is sick. It is hard to believe this misfortune has nothing to do with our collective lack of appreciation for what already existed and was ours to add to caringly. We chose to erase Hamilton's old, unique character.

The settings for our lives and memories take on a depth when we realize they were also the settings of our ancestors. This depth increases threefold if we sense it will also be shared by our descendants.

The demolition of the Birk's building is one of many examples of short-sighted decisions made in the past. Advocates of this type of destructive activity have no sense of the beauty and continuity of the social fabric we are weaving together. But they are still very active among us.

Demolition at McMaster?

McMaster University is about to build a new university centre. The consulting architects recommend the demolition of Alumni Memorial Hall to clear a site for the new building.

Alumni Memorial Hall, commonly called the Faculty Club, was built to honour the memory of McMaster alumni who gave their lives in the world wars. It is not only about the past, however. This building was obviously designed and constructed with a love for the present and care for the future. It is a gem. They don't build them like that any more. It is related to Canadian institutional classics of the Gothic style.

On a beautiful site beside the woods above Cootes Paradise, it is buttressed by thousands of memories of McMaster students who experienced this one perfect detail in the fabric of our city and felt it would always be there.

And why shouldn't it? What are we doing here?

Good architects are artists whose work is capable of making a lasting contribution to our living and growing culture. Their work fits into the social fabric of our comings and goings and can be accepted as an integral part of what has gone before and of what is yet to come.

Each building should aspire to be part of our collective heritage. What is the point of building in the belief that a future builder will demolish your work in a few years? (To the consulting architects: Why do it to others if you don't want it done to you?)

This flimsy promotion of the temporary invites shoddy work because it does not embrace the idea of long-range care or community. It openly demonstrates that what we do is not meant to last, and it advocates a blindness to what we already have.

My concern here is that a building built with this attitude may soon try to replace a building that was built with care for the future, a love for the past and, above all, a love for the present.

And this action is recommended by people at our university who should know better.

We lament the passing of the familiar. We long for more connection to the place where we live. We have a desperate and growing need to live in surroundings of constant beauty and meaning. This is necessary for our health as both individuals and a society.

We must be aware of what we have and preserve it for ourselves and our posterity. We can build and add to our city in such a way that future generations will want to save what we do and call it their own.

2.(h.)

11 Roanoke Road
Hamilton, ON L8S 3P6
(905) 525-3366
13 February 1998

Ms Stella Glover
Secretary,
Planning and Development Committee
City of Hamilton

Dear Ms.Glover:

I understand that on February 18 the Planning and Development Committee will be considering the recommendations of LACAC on the designation of certain buildings at McMaster University as property of architectural and historical value. I should be most grateful for an opportunity to make a presentation of 5-10 minutes to the Committee at that time, with particular reference to the preservation of Alumni Memorial Hall.

Sincerely yours,

Alwyn Berland
(Professor Emeritus
of English, and former
Dean of Humanities,
McMaster University

McMASTER UNIVERSITY

President and Vice-Chancellor

2.(i)

February 13, 1998.

Alderman F. D'Amico,
Chairman, Planning and Development Committee,
City of Hamilton,
71 Main Street West,
Hamilton, Ontario. L8P 4Y5.

Dear Alderman D'Amico:

I have received notification from LACAC of their decision to designate six buildings and the surrounding landscape as heritage properties.

My understanding is that this recommendation will go to the City's Planning and Development Committee on February 18 and, if passed by that Committee, to full Council on February 24. It is also my understanding that the process makes provision for property owners to appear before both Committee and Council in cases of recommendation for designation.

Therefore, I am making the request that McMaster University be allowed to make a presentation to both the Planning and Development Committee and to full Council. This matter is of enormous importance to the University and I would like to be present for both presentations, but am unable to attend on either February 18 and 24 because of prior commitments which will take me out of the country.

I am asking if consideration of LACAC's recommendation could be delayed by both the Committee and Council until after my return on February 28 when I will be able to attend and present the University's position. There is nothing that will happen to either the buildings or the grounds in the intervening period which would prevent LACAC's recommendation from going forward, but the delay would allow for my full participation in the process.

Yours sincerely,

Peter George

PG/df
cc: Mayor Robert Morrow
Ms. Diane Dent, Chairman LACAC

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Tel.: (905) 525-9140 Ext. 24340 Fax: (905) 522-3391 Email: presdnt@mcmaster.ca

3. (a.)

CITY OF HAMILTON

- RECOMMENDATION -

DATE:	1998 February 25 (SS-UEC)
REPORT TO:	Mrs. Stella Glover, Secretary Planning and Development Committee
FROM:	V. J. Abraham, M.C.I.P., R.P.P. Director of Planning and Development
	J.G. Pavelka, P.Eng. Chief Administrative Officer
SUBJECT:	Urban Entertainment Centres

RECOMMENDATIONS:

a) That the City of Hamilton endorse the concept of an urban entertainment centre located in downtown Hamilton;

b) That staff be directed to prepare an amendment to the Downtown Hamilton Community Improvement Plan for presentation at a public meeting of the Planning and Development Committee on March 25, 1998 to incorporate the goal of an urban entertainment centre in downtown Hamilton; and,

c) That staff of the Planning and Development Department be directed to coordinate a staff committee consisting of representatives from the Real Estate and Purchasing Divisions, Law and Culture and Recreation Departments to advertise, receive, and evaluate proposals for development of an urban entertainment centre in downtown Hamilton for adoption by City Council.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financial, legal, or staffing implications at this point in time.

BACKGROUND:

At its meeting of January 22, 1998, the Planning and Development Committee directed that a study of urban entertainment centres be undertaken by staff. Interest has been expressed in developing an urban entertainment centre in downtown Hamilton, in conjunction with other major attractions such as the proposed Canadian Music Hall of Fame (if awarded to Hamilton).

The purpose of this report is to provide background information on urban entertainment centres, to review existing planning policy relative to these facilities, and to outline a strategy for the City of Hamilton for urban entertainment centres. The strategy will form the basis for further reports and recommendations on these facilities.

THE CONCEPT OF URBAN ENTERTAINMENT CENTRES:

- A Definition

  Urban entertainment centres are a relatively new concept in entertainment. These centres are generally in the order of 150,000 to 400,000 square feet of gross floor area. The uses within the centre are a mix or bundle of entertainment related uses and are generally split with two-thirds of the space being entertainment/themed restaurant uses and 1/3 of the space being specialty retail uses (e.g. book stores; record stores). The combination of uses is designed to attract patrons from a broad catchment area (e.g. Region wide); for extended visits (greater than 2 hours); and to entice repeat visits (through new games, movies, etc.).

  There are many examples of urban entertainment centres in American and European cities; they are a relatively new phenomenon to Canada. Examples of uses within American and European urban entertainment centres are:

  - theatres, often including IMAX, Iwerks, Showmax, Ridefilm (various versions of large screen cinemas);
  - specialty restaurants such as the Rainforest Cafe;
  - interactive games with audience participation such as Sega, Lego;
  - specialty themed retail such as Reebok, Nike, Warner Brothers, Disney.

  In many cities, urban entertainment centres have been developed as an integrated theme: examples are Niketown (Chicago); Disney's 42nd Street Redevelopment (New York City); Koreatown (Los Angeles); and the Roman Forum (Las Vegas). Other facilities are based on the mix outlined above and include a large theatre chain (10-15 screens); restaurants; and retail all contained within one building. Some municipalities (e.g. San Francisco)

have chosen to link an urban entertainment centre with the municipality's existing and planned cultural facilities, as part of a redevelopment strategy for a geographic area.

- The Growth of Urban Entertainment

Research and marketing studies have shown that there are three reasons why urban entertainment centres have been successful and are a growing trend in larger cities in North America and Europe. These reasons are: demographics; technology; and suburban development. Each is discussed briefly in the following paragraphs.

i) Demographics

One of the factors that is influencing urban entertainment centres is consumer spending from two distinct demographic groups: "baby boomers" and "Generation Xers". Consumer spending patterns for baby boomers, since 1984, have shifted more to leisure time activities that are integrated into daily life. This includes sporting events, cultural events, and entertainment (such as theatres, movies, restaurants, book stores, etc.). Consumer spending patterns, from the United States, indicate that baby boomers spend as much money on home entertainment as they do on entertainment away from home. And, the trend is increasing towards to entertainment away from home ("congregating") as opposed to home entertainment ("cocooning").

The second demographic group is the "Generation X" group (persons in their twenties and early thirties). The consumer spending patterns for this group are similar to the baby boomers. However, this group tends to focus their spending on technology based entertainment activities (e.g. Internet cafes; virtual reality; technology based games and movies). The movement of this demographic group into the workforce means there should be expanded leisure spending by this age group in the coming years.

The demographic trends indicate that there is an existing market for entertainment based leisure activities. In addition, the trend is that this market will grow with the movement of the "Generation Xers" into the job market.

ii) Technology

The technological advances of recent years have contributed to the rise in congregating leisure activities. Certainly advancements in computer software and the creation of computer based leisure activities are part of this. Other technological advances include fibre optic cables; interactive technology; multisensory technology (for example, three-dimensional effects); and virtual reality. These types of technological advances are translated into entertainment activities through interactive games (e.g. Sega); three-dimensional movies; multi-

sensory movies such as IMAX and Ridefilm; and virtual reality simulated games.

iii) Suburban Development

The third factor contributing to the growth of urban entertainment centres is the suburbanization of North American cities. This factor is related to the demographic trends and the baby boom generation. Typically, baby boomers live in suburban areas of large cities. Suburban areas, by their nature, are largely oriented to single-family development and residential subdivisions. There is usually little commercial development or, as in Ancaster, a power centre type of development with large "big box" retailers spread out over a large acreage of land. Suburban municipalities generally do not have either the land base or the fiscal resources to establish larger facilities such as cultural facilities (e.g. an art gallery or a spectator sporting facility). The larger facilities are generally found in the urban areas of the adjacent larger municipalities. The economies of scale mean that it is more reasonable for larger urban municipalities to look at urban entertainment centres than the smaller suburban areas.

LOCATIONAL ISSUES AND URBAN ENTERTAINMENT CENTRES:

The literature regarding urban entertainment centres indicates that there are two trends for development of urban entertainment centres: a separate facility within the downtown of an existing city or a smaller facility tied into an existing regional shopping centre. Each is discussed in the following paragraphs.

i) Downtown Centre

Many municipalities have integrated the development of an urban entertainment centre into a larger redevelopment program for the downtown of the municipality. The following are the reasons for this decision:

- an availability of centrally located land;
- there exists the potential to undertake adaptive reuse of existing underutilized buildings;
- an existing labour force in the central city;
- the availability of transit, road access, and services;
- an existing population in the downtown;
- the ability to establish connections with existing entertainment and retail facilities (e.g. existing shopping areas, cultural facilities);
- establishing downtown as an entertainment centre for the city.

Urban entertainment centres that are located in the downtown of a city are designed to

function as a regional facility; typically connections are established to other similar regional type facilities (e.g. cultural institutions; downtown retail; sporting facilities). Downtown urban entertainment centres are one strategy for revitalization of a downtown area; however, they are not the panacea for downtown's problems. The majority of urban entertainment centres are developed within the downtown of a municipality and are part of a focus area of cultural, entertainment, and sports related uses.

ii) Suburban Shopping Malls

Urban entertainment type uses are developed within regional shopping centres as a means of increasing the attractiveness and consumer usage of the mall. Examples include West Edmonton Mall and the Mall of America. In general the urban entertainment uses are geared to benefit the shopping mall tenants and owner and are not part of a larger revitalization strategy for the municipality. However, there are a few instances where an urban entertainment centre has been constructed within a mall (the Roman Forum in Las Vegas is an example). Recent research from the Urban Land Institute indicates that entertainment uses in shopping malls benefit restaurants and food outlets and not the retail stores. Efforts to incorporate urban entertainment centres or uses into traditional shopping malls have had limited benefits.

EXPERIENCE OF ONTARIO MUNICIPALITIES:

Four municipalities in Ontario have dealt with, or are dealing with, the issue of urban entertainment: London; Brampton; Mississauga; and Toronto. In both London and Brampton, strategies were developed that restrict the location of these facilities to the downtown of the municipality. London and Brampton have both adopted Official Plan Amendments that limit the development of entertainment facilities (movie theatres) outside the downtown core. This strategy is intended to establish downtown as the entertainment area in the municipality and to allow time for entertainment uses in the downtown to become established. In Mississauga, the municipality allowed a facility as a temporary use adjacent to Square One Shopping Centre.

Toronto has two facilities in the development stages: Festival Hall (King-Spadina area) and a new facility that is one component of the Yonge-Dundas revitalization strategy. The entertainment centre in the Yonge-Dundas area is part of a community improvement project area. In this area, the municipality issued a request for proposals (RFP) for development within the area. A developer was selected for the urban entertainment component and, once the agreement was finalized, the municipality initiated expropriation of the land for the urban entertainment centre.

The three municipalities of London, Brampton, and Toronto all developed strategies for urban entertainment that are unique to their municipalities and are tied into larger strategies for the city's development of its downtown. This is consistent with the research information on urban entertainment centres.

CITY OF HAMILTON PLANNING POLICY:

Four documents were reviewed regarding the existing policy for entertainment uses is concerned. These are: the Regional Official Plan; the City of Hamilton Official Plan; the Central Area Plan (1988); and the Downtown Hamilton Community Improvement Plan (1997).

i) Regional Official Plan

The Regional Official Plan identifies the "Regional Centre" (downtown Hamilton) as "... the focus for major cultural facilities" (Policy 3.1.1.5) and "the most important mixed use activity centre" (Policy 3.1.1.3). There are no specific policies for entertainment uses.

ii) City of Hamilton Official Plan

There are two policy areas that, generally, address entertainment and cultural uses in the downtown. These are the preamble to the Central Policy Area ("... specialized and/or Region-wide appeal ...") and the Major Institutional section which identifies cultural facilities for City as a whole. However, entertainment uses are considered "Commercial" uses under the policies of this plan and are permitted in all commercial designations in the City. This would include downtown Hamilton as well as all other commercial areas and shopping centres.

iii) Central Area Plan (1988)

The Central Area Plan is applicable to the downtown of Hamilton and includes the neighbourhoods adjoining downtown (Durand; Corktown; Central; Beasley; North End East and West). The Plan provides the following policies relative to entertainment and cultural facilities:

> "As a cultural centre, the Central Area attracts people to such places as the Art Gallery, Central Library, Hamilton Place and Copps Coliseum from the Golden Horseshoe and beyond."

There are no specific policies regarding to promote entertainment facilities in downtown Hamilton. Entertainment uses are considered commercial uses within the Central Area Plan and are consistent with the "Downtown Core" designation.

iv) Downtown Hamilton Community Improvement Plan

In 1997, Council adopted the Community Improvement Plan for downtown Hamilton. One of the goals of the plan is to "promote the continued development of the Downtown as the primary business, office, cultural, and administrative centre of the Region." Implicit in the plan is the priority to focus development in downtown Hamilton; entertainment uses are not specifically included.

v) Comments

The extracts from the various planning documents indicate that there is general recognition of the priority of the Central Area for cultural facilities. However, there is little in the way of policy guidance or direction for entertainment uses. There is no specific policy direction regarding urban entertainment centres. These centres are a relatively new phenomenon and the planning documents cannot reasonably be expected to have policies regarding this form of development. However, there is implicit support for entertainment uses, located in downtown, within the various planning policy documents.

A STRATEGY FOR HAMILTON:

i) The Role of Entertainment Downtown

The first question that needs to be answered is whether there is a role for entertainment centres in Hamilton. Clearly, in other cities, urban entertainment centres have been used as one component in downtown revitalization. An urban entertainment centre becomes a destination. When properly planned and integrated into the larger fabric of downtown, an urban entertainment centre becomes one component of the municipal strategy in downtown revitalization.

Both City and Regional Councils have recognized the importance of downtown Hamilton in the City and the Region. This is evident in the planning documents; the recent capital expenditures on downtown; and the many studies and reports on downtown. Curiously, entertainment has not been discussed at length in any past reports and studies.

Downtown Hamilton currently has cultural and sporting facilities - Hamilton Place, the Art Gallery, Copps Coliseum plus many restaurants and nightclubs. An urban entertainment centre could expand downtown's role by including entertainment. There is an opportunity to integrate a planned urban entertainment centre into downtown Hamilton. The literature is clear that an urban entertainment centre is not a cure for all of the problems in any downtown but rather is one of the components of downtown revitalization. The key to its success is proper planning and development of the facility.

ii) Location in Downtown

There are a number of options for location in downtown Hamilton. The two prime areas for retail in downtown Hamilton are Jackson Square and the Gore Park Area (and eastward). The cultural facilities are primarily located in the Jackson Square area (Art Gallery; Hamilton Place; Farmer's Market); Theatre Aquarius and the Broadway Cinema are closer to the Ferguson Avenue area. The literature indicates that establishing

connections to existing retail facilities as well as sporting and cultural areas is important to the success of an urban entertainment centre. Accessibility, in terms of transportation, and visibility of the centre are also important considerations. Taking all of these factors into consideration, the opportunity for establishing links to existing facilities, accessibility, and visibility are greatest in the western end of downtown, in the area north and west of Jackson Square. Second choices would be in the Gore Park area on King Street, through reuse of an existing building or adjacent to Theatre Aquarius (although visibility of such a site would be much lower than the other two alternatives).

iii) Policy Direction

Both the Regional Official Plan and the City's Official Plan identify the downtown as the key commercial, office, and cultural centre in both municipalities. An urban entertainment centre in downtown would be consistent with this approach. The City's Zoning By-law permits the various uses comprising an urban entertainment centre within the "I" District and the "CR" Districts (although there is a restriction on the number of seats in theatres within this district). At this point in time, an urban entertainment centre is consistent with the planning philosophy for downtown Hamilton. More specific policy direction may considered in the Downtown Secondary Plan concerning entertainment uses and policy similar to that in London and Brampton (which limits entertainment uses outside the downtown).

IMPLEMENTATION:

The City of Toronto, in the Yonge-Dundas Area, chose an active role in implementing portions of the Redevelopment Plan for this area. An urban entertainment centre was one aspect of the redevelopment plan. The municipality included the urban entertainment centre as a strategy for redevelopment in the Yonge-Dundas area and this was incorporated into the Community Improvement Plan for the area. The municipality also initiated a "Request for Proposals" from the private sector for development of an urban entertainment centre on a specific site within the redevelopment area. Once the municipality had entered into an agreement with a developer, the City of Toronto initiated expropriation of the site for redevelopment purposes. It should be noted that the Community Improvement Plan and the expropriation are under appeal to the Ontario Municipal Board.

The City of Hamilton has, in the past, waited for the private sector developers to assemble land for redevelopment in downtown Hamilton. A more active municipal role, such as was done in Toronto, merits further consideration. It may be possible with the recent private sector interest and the impending decision on the Canadian Music Hall of Fame to pursue, more actively, development of a site in downtown Hamilton for an urban entertainment centre. As the research in this report indicates, an urban entertainment centre is one component that contributes to improvements in the economy, use, and vitality of downtowns.

Council could initiate a similar strategy as was undertaken by the City of Toronto in the Yonge-Dundas area. This would involve the following:

1. An amendment to the Downtown Hamilton Community Improvement Plan to include entertainment and urban entertainment centres as a specific goal for downtown;
2. The initiation of a "Request for Proposals" to identify private sector developers interested in developing an urban entertainment centre in downtown Hamilton;
3. Identification of a specific site in accordance with the criteria identified in this report; and,
4. Expropriation of a site should negotiations to purchase a site not materialize.

Discussions with staff from the City's Law Department have taken place regarding the Request for Proposals. Council may need to use its powers of expropriation to achieve the development of an urban entertainment centre in downtown Hamilton and it is important that there is a firm commitment for development of the project prior to any expropriation proceeding.

The next steps for the development of an urban entertainment centre would be:

1. Adoption by Council, in principle, the concept of an urban entertainment centre, incorporating the Canadian Music Hall of Fame (if awarded to Hamilton) in downtown Hamilton;
2. A public meeting to present the amendment incorporating entertainment into the Downtown Hamilton Community Improvement Plan (as required by the Planning Act);
3. Direction to staff to prepare the Request for Proposals for an urban entertainment centre in downtown Hamilton to be brought to Council for adoption.

COMMENTS:

1. The research from the literature and the policies from other municipalities demonstrates that urban entertainment centres contribute to the revitalization of a city's downtown. From a planning perspective, an urban entertainment centre should be located in downtown Hamilton for the following reasons:

    a) there is an available supply of serviced land and existing underutilized buildings which would be appropriate for such a use;
    b) downtown is accessible in terms of public and private transportation;
    c) there are opportunities to establish linkages with existing retail, cultural, and sports facilities within downtown; and,
    d) urban entertainment centres can contribute to downtown revitalization by establishing a destination in downtown.

    The members of the Central Area Plan Implementation Committee endorsed the concept of an urban entertainment centre in downtown Hamilton at their meeting of February 12, 1998.

2. Developing an urban entertainment centre in downtown Hamilton will require actions on the part of City Council, as outlined in the implementation section of this report. It is recommended that staff proceed with the implementing actions for further reports to City Council. The first of these reports would be the amendment to the downtown Hamilton Community Improvement Plan which would be presented at a public meeting on March 25, 1998. Work on the Request for Proposals can also commence once Council adopts the recommendations in this report.

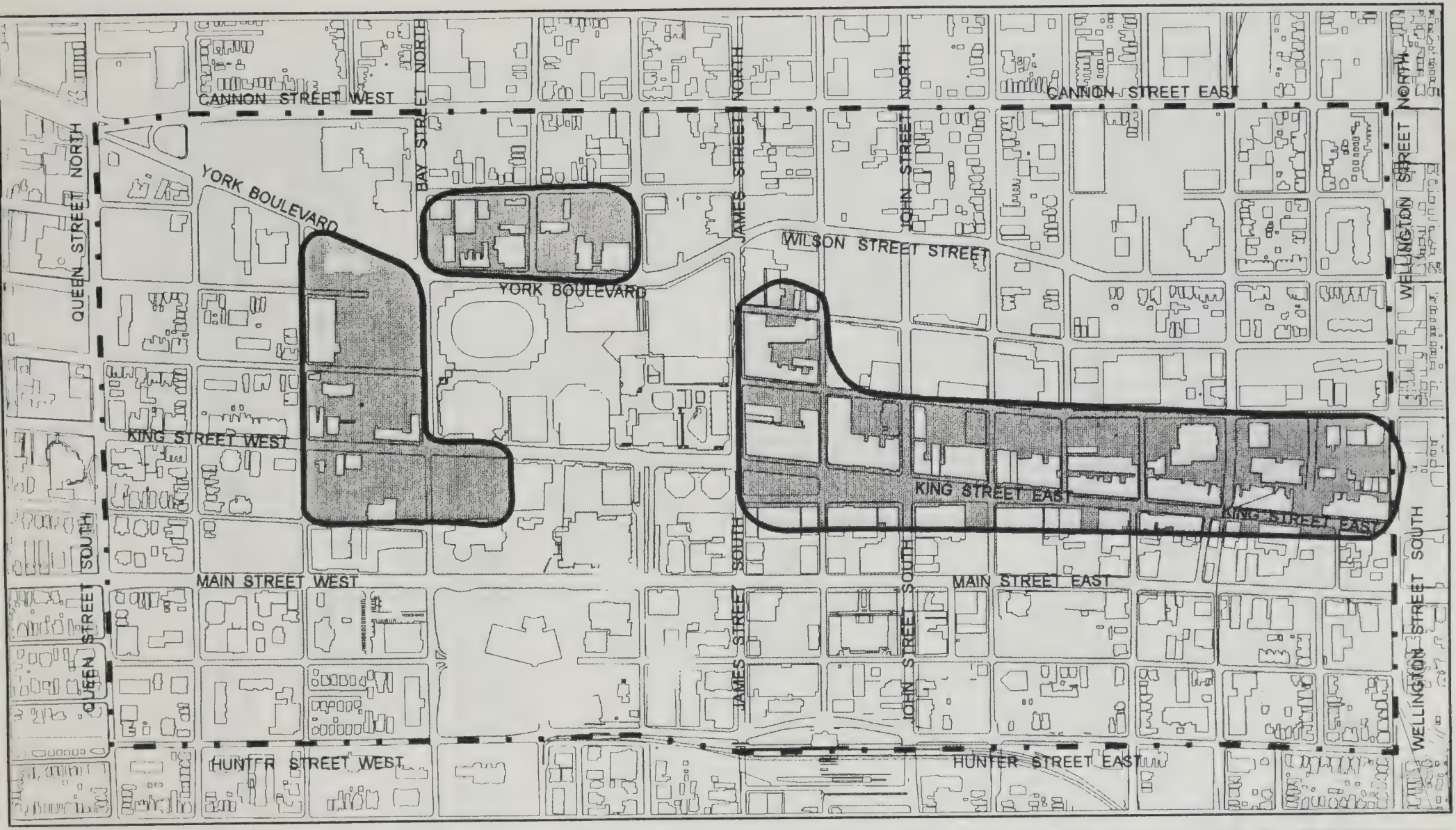
3. The issue of restricting entertainment uses outside the downtown will be reviewed as part of the work in the Downtown Secondary Plan. More specific policy direction regarding entertainment uses as a concept for downtown will also be addressed in the Secondary Plan.

CONCLUSION:

Urban entertainment centres are one component that can be used as part of a strategy for downtown revitalization. On the basis of the research contained in this report, it is recommended that Council proceed with the actions outlined above in order to work toward the development of an urban entertainment centre in downtown Hamilton.

MLT/

cc: T. Whitehead, Mayor's Office
D. Powers, Law Department



DOWNTOWN HAMILTON

FEBRUARY 1998

URBAN ENTERTAINMENT CENTRES

GENERAL LOCATION AREAS

COMMUNITY IMPROVEMENT AREA BOUNDARY

Prepared by
Planning and Development Department
City of Hamilton
City Hall 7th Floor 71 Main Street West
Hamilton Ontario L8N 3T4 (905) 546-4128

capic

CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE

a Subcommittee of the Planning and Development Committee

c/o CITY HALL, 71 MAIN STREET WEST, HAMILTON, ONTARIO, L8N 3T4

3. (a.) (i)

DATE: 1998 February 25
TC-CAP(C)

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Mary Pocius
Chairperson
Central Area Plan Implementation Committee Mary N. Pocius

SUBJECT: Urban Entertainment Centres - Support From
Central Area Plan Implementation Committee (CAPIC)

RECOMMENDATION:

That CAPIC supports in principle the concept of Urban Entertainment Centres, exclusively in the downtown area of Hamilton.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

At the Central Area Plan Implementation Committee (CAPIC) meeting of February 12, 1998, there was discussion about urban entertainment centres. This is a new development concept being introduced to North America, with uses such as movie theatres, restaurants, specialty retail and interactive games. A detailed definition and analysis are contained in the associated staff report.

Planning and Development Department staff have done research on this matter, and are preparing a strategy for the possible introduction of such a use in downtown Hamilton. The process would include a public meeting and various policy amendments as needed.

This matter was taken to CAPIC for their preliminary reaction, since this is the citizen advisory committee which advises Planning staff on matters related to the Central Area, and more recently especially on downtown issues. CAPIC members will form the basis of the Downtown Planning Advisory Committee on the Secondary Plan.

Discussion concerning urban entertainment centres at the February 12, 1998 CAPIC meeting focussed on the following issues and concerns:

- possible sites in the downtown which might be suitable for such a use;
- ways of direct urban entertainment centres exclusively to the downtown - it was felt that suburban shopping malls have enough uses to draw consumers already;
- option of restricting such uses from suburban locations, to help direct them to downtown;
- merit of such uses for drawing consumers to downtown;
- suitability of such uses for downtown, due to available vacant sites, parking, transit, labour force, residents;
- desirability of locations east of James Street, to provide an eastern anchor for downtown;
- role of existing entertainment uses downtown would presumably be enhanced by the provision of more entertainment uses which are complimentary in nature; and,
- potential for proposed uses to bring more young people to downtown, whereas these are now often drawn to other locations.

It was noted that a public meeting will be held on this matter. A policy framework must be developed, and the need for amendments to existing policies must be assessed.

A motion was passed at the February 12, 1998 meeting of CAPIC, noting "That CAPIC supports in principle the concept of Urban Entertainment Centres, exclusively in the downtown area of Hamilton." CAPIC looks forward to commenting on the details of related proposals, once these are available.

vg / CAPUEP&D.98

CITY OF HAMILTON

- RECOMMENDATION -

4.

DATE: 1998 February 23
(ENV-SOIL)

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P, R.P.P.,
Director, Planning and Development Department

L.C. King, P.Eng.
Building Commissioner

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Procedures for the Identification/Remediation of Potentially Contaminated Sites under the Planning Act Review Process

RECOMMENDATIONS:

A. That the City of Hamilton implement the following procedures, as requested by the Region, regarding Procedures for the Identification/Remediation of potentially Contaminated Sites under the Planning Act review process:

i) to modify standard planning application forms (i.e. Official Plan Amendment, Zoning By-law, Site Plan Control, Subdivisions, Part Lot Control, Minor Variances and Consents) with respect to the questions regarding site contamination contained therein;

ii) to amend planning application forms to include owner responsibility and acknowledgement clauses in accordance with APPENDIX "A"; and,

iii) to require applicant(s) to submit a Record of Site Condition (RSC) to the Region in the form set out in the "Guideline for Use at Contaminated Sites in Ontario" (Ministry of Environment and Energy, February 1997), as amended from time to time, as a standard condition of approval when a site is identified as potentially contaminated through circulation of the planning application to the Region.

B. That the City Clerk be requested to notify the Region of Hamilton-Wentworth of the City of Hamilton's decision.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

See below

BACKGROUND:

Regional Council, at is meeting of November 4, 1997 adopted recommendations concerning the Procedures for the Identification/Remediation of Potentially Contaminated Sites under the Planning Act review process.

In accordance with the Planning Act, decisions on Planning Act applications must "have regard for" protection of public health and safety, amongst other issues. One of the components of the public health and safety issues is the necessity for contaminated sites to be "restored as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effect."

In May 1996, the Province downloaded the responsibility for the Planning Act review functions to the Region. One of the functions was the identification of potential contaminated sites. Prior to the downloading, planning applications were sent to the MOEE for their review. The review consisted of identifying potentially contaminated sites, reviewing environmental site assessment reports and approving any clean up activity that may be required.

In June 1996, the MOEE came out with a new set of Guidelines titled "Guidelines for Use at Contaminated Sites in Ontario". The responsibility for identifying contaminated sites is that of the owner of the land and his/her consultant. The owner must submit a Record of Site Conditions (RSC) which:

- identifies the environmental condition;
- demonstrates how the evaluation/remediation will be carried out in accordance with the Guidelines; and,
- demonstrates how the site will be cleaned up to the standard required for the proposed use.

The Region is responsible for the implementing the new Guidelines. As a result, a standard and clear set of procedures has been established aimed at ensuring the Region exercises the necessary standard of care as well as provide a consistent method of evaluating site contamination issues.

For the information of the Committee, these guidelines are guidelines only and are not considered as legislation. Therefore, it is imperative the issue of site contamination be dealt with through a legislated process such as applications under the Planning Act.

ACTIONS BY THE MUNICIPALITY:

The Region identified four specific actions, relating to planning responsibilities **only**, which the municipality have been requested to implement. They are:

i) to review, and if necessary, modify their standard planning application forms with respect to the questions regarding site contamination contained therein;

ii) to amend their planning application forms to include owner responsibility and acknowledgement clauses;

iii) to require applicants to submit a Record of Site Condition (RSC) to the Region in the form set out in the "Guideline for Use at Contaminated Sites in Ontario" (Ministry of Environment and Energy, February 1997), as amended from time to time, as a standard condition of approval when a site is identified as potentially contaminated through circulation of the planning application to the Region; and,

iv) to amend, if necessary, their Official Plans to ensure that soil and/or groundwater contamination are parameters which would permit the use of holding by-law provisions at the zoning by-law amendment stage.

- **Modify Standard Planning Applications**

  The intent of this action is include a series of questions on the application forms to elicit information to determine if there were prior uses on the site that could have lead to its contamination. Such questions could include: was there a gas station on the site, are any of the former uses industrial or commercial in nature, etc.

  The standard planning applications that are referred to are: Official Plan Amendment, Zoning, Site Plan, Subdivision, Part Lot Control, Consents, and Minor Variance Applications.

- **Owner Responsibility and Acknowledgment Clauses**

The following 2 clauses are suggested for inclusion in the applications.

> *I hereby acknowledge that it is my responsibility to ensure that I am in compliance with all applicable law, laws, regulations and guidelines pertaining to contaminated sites, including, but not limited to the Ministry of Environment and Energy Guidelines for Use at Contaminated Sites (February 1997), as amended.*
>
> *I further acknowledge that neither the Region of Hamilton-Wentworth nor the Corporation of the City of Hamilton is responsible for the identification and/or remediation of contaminated sites. I also agree, whether in or as a result of any action or proceeding for environmental clean-up of any damage or otherwise, that I will not sue or make any claim whatsoever against The Regional Municipality of Hamilton-Wentworth, The Corporation of the City of Hamilton, their respective officers, officials, employees, or agents, or any of the foregoing, for or in respect of any loss, damage, injury or costs.*

_____ _____

Date *Signature of Property Owner*

_____

Print Name of Owner

The purpose of the first clause would be that the owner is responsible for ensuring the guidelines are followed. As noted in the background section of this report, the MOEE Guidelines are guidelines only.

The second clause requires the applicant to acknowledge that the City, Region, its employees and agents are not responsible for identifying and/or remediating contaminated sites nor can the applicant/owner sue for any potential environmental damage. It should be noted that such clauses do not stop a third party (i.e. home owner) from suing the municipalities. In response to that concern, the City of North York has added a clause to the site plan agreement which requires the owner, at his/her expense, to appeal, contest, defend or settle any action related to a lawsuit. The Region has chosen not to include such a clause in their applications because it is too onerous and would a be a deterrent to potential development or redevelopment.

Although, these type of clauses have not been challenged in the courts, they do serve the purpose by making all parties aware of the potential for contaminated sites.

The Law Department has reviewed the clauses, which have been prepared by the Legal Services Department of the Region, and has advised the inclusion of such clauses is appropriate from a risk management perspective.

- **Record of Site Condition**

  As part of the planning application circulation process, the Region provides comments both from their mandates, as well as the Provincial mandate. Where potential for contamination exists, the Region has requested the municipality include the Record of Site Condition as a condition of approval. It has been the Planning and Development Department's practice to include conditions from agencies.

- **Use of the Holding 'H' Symbol for Soil and/or Groundwater Contamination**

  The City of Hamilton Official Plan permits the use of the Holding 'H' symbol "*where environmental constraints currently preclude development or redevelopment without appropriate mitigative measures.*" During the rezoning process, the Department places an 'H' symbol on the lands and identifies conditions upon which the 'H' symbol is to be removed. This symbol has been used several times for the purposes of soil, noise, dust or odour studies.

CONCLUSION:

The four actions identified by the Region with respect to soil contamination are important steps in the implementation of the MOEE guidelines. The use of the Holding 'H' symbol and the RSC requested by the Region are implemented by the current planning practices.

The modification to the planning applications (i.e. Official Plan, Zoning, Site Plan Control, Part Lot Control, Subdivision, Committee of Adjustment and Land Division) is appropriate and is not out of character with existing information that is requested on the planning application forms.

cc. Patrice Noé Johnson
City Solicitor

APPENDIX "A"

OWNER RESPONSIBILITY AND ACKNOWLEDGMENT CLAUSES

I hereby acknowledge that it is my responsibility to ensure that I am in compliance with all applicable law, laws, regulations and guidelines pertaining to contaminated sites, including, but not limited to the Ministry of Environment and Energy Guidelines for Use at Contaminated Sites (February 1997), as amended.

I further acknowledge that neither the Region of Hamilton-Wentworth nor the Corporation of the City of Hamilton is responsible for the identification and/or remediation of contaminated sites. I also agree, whether in or as a result of any action or proceeding for environmental clean-up of any damage or otherwise, that I will not sue or make any claim whatsoever against The Regional Municipality of Hamilton-Wentworth, The Corporation of the City of Hamilton, their respective officers, officials, employees, or agents, or any of the foregoing, for or in respect of any loss, damage, injury or costs.

_____ _____

Date Signature of Property Owner

_____

Print Name of Owner

CITY OF HAMILTON

- RECOMMENDATION -

5.

DATE: 1998 February 13
E205-05, C.A. Unelli

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo
Commissioner of Public Works and Traffic

SUBJECT: **Final Lot Grading and Sodding Contract for Various Subdivisions in Hamilton During 1998**

RECOMMENDATION:

That the Manager of Accounting and Purchasing be authorized and directed to issue an Open Order to Brantford Landscaping & Sodding Ltd., on behalf of the Treasury and Building Departments, based on prices received for Quotation C20-998, to provide final lot grading and sodding as and when required during 1998 in various subdivisions in Hamilton, being the lowest of seven quotations received in accordance with specifications issued by the Manager of Accounting and Purchasing and Vendor's quotation, and be financed through Lot Grading Deficiencies Subdivision Account No. PR53700090.

D. Lobo
Commissioner
Public Works and Traffic

for J. D. Thoms
Commissioner
Regional Environment Department

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

cont'd...

**Final Lot Grading and Sodding Contract
for Various Subdivisions in Hamilton During 1998**

cont'd...

BACKGROUND:

The City of Hamilton subdivision agreements require applicants to provide appropriate security to insure that all lot grading is completed in a satisfactory manner. In situations where deficiencies in the lot grading occur, the subdivider will be notified by the Regional Environment Department and/or the City Building Department and advised that remedial work will be required to correct the deficiencies.

Failure by the subdivider to perform the remedial work will be considered a default of the City Subdivision Agreement whereby the Regional Environment Department and/or the City Building Department will utilize an outside contractor to complete the outstanding works.

The costs of remedial work by an outside contractor are recoverable from the subdivider. Failure of the subdivider to pay for the costs of remedial work would result in the City recovering the costs from the subdivision security on hand.

As unit prices vary with each contractor, in order to determine the low bidder, the unit prices received for Quotation C20-998 were applied to a hypothetical grading scenario with the following results.

1.	Brantford Landscaping & Sodding Ltd.	$20,236.11
2.	Cedar Springs Landscaping	$20,708.78
3.	Alpine Green Landscape Contractors	$21,777.60
4.	Crescan Landscape Ltd.	$22,445.93
5.	Oakridge Landscape Contracting Ltd.	$23,932.69
6.	Heritage Green	$25,542.24
7.	O. Ciccarelli & Sons Contracting Ltd.	$26,050.22

Based upon the above results, we are recommending that an Open Order be issued to Brantford Landscaping & Sodding Ltd., to provide final lot grading and sodding as and when required during 1998 in various subdivisions in Hamilton, being the lowest of seven quotations received in accordance with specifications issued by the Purchasing Division of the Treasury Department and Vendor's quotation, and be financed through Lot Grading Deficiencies Subdivision Account No. PR53700090.

CAU
cc: Mr. A. Ross, City Treasurer
cc: Mr. L. C. King, Building Commissioner

6.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1998 March 4
9:30 o'clock a.m.
Room 233, City Hall

A. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

(i) Ottawa Street Business Improvement Area (B.I.A.)
1998-2000 Board of Management

(ii) Ottawa Street Business Improvement Area (B.I.A.)
Proposed Budget and Schedule of Payments for 1998

(iii) Tenth Annual Public Service Announcement (P.S.A.)
Competition

B. BUILDING COMMISSIONER

(i) 9 Hillyard Street - demolition

(ii) 11 Hillyard Street - demolition

(iii) 13 Hillyard Street - demolition

C. DIRECTOR OF PLANNING AND DEVELOPMENT

(i) Application to Remove Part Lot Control "Claudette Garden - Phase 9" Subdivision, Reg. Plan No. 62M-825.

(ii) Request for a six month extension for the approval of Site Plan Control Application DA-95-08 for an addition to the existing commercial development at 970 Upper Wentworth St.

(iii) Zoning Application 98-04, for removal of the "H" Holding Provision - 60 Rice Avenue.

D. CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE

Central Area Plan Implementation Committee (CAPIC) - Membership Update (For Information)

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

A. (i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 February 23

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Doug Lobo, Commissioner
Department of Public Works & Traffic

SUBJECT: Ottawa Street Business Improvement Area (B.I.A.)
1998-2000 Board of Management

RECOMMENDATION:

a) That Schedule 'A' and 'B' of By-law No. 86-99, as amended, appointing the Ottawa Street B.I.A. Board of Management be repealed and the following names substituted:

SCHEDULE 'A'

Alderman D. Wilson
Alderman G. Copps
Alderman D. Haining
Alderman B. Morelli

SCHEDULE 'B'

J. Gut	268 Ottawa St. N, Textile Discount Centre, Owner/Tenant
T. Bifano	95 Ottawa St. N, Anton Video, Owner/Tenant
D. Kwiatkowski	201 Ottawa St. N, Beach Road Meats, Owner/Tenant
J. Bazinet	151 Ottawa St. N, L. G. Wallace Funeral Home, Owner/Representative
B. Hodge	110 Ottawa St. N, Hamilton Vaccuum Supply, Owner/Tenant
M. Fresco	137 Ottawa St. N, Campbell Glass and Mirror, Owner/Tenant
R. Bagliolid	85 Ottawa St. N, Bell Arte, Owner/Tenant
L. Mattina	289 Ottawa St. N, Nova Sewing Centre, Owner/Tenant
K. Walton	134 Ottawa St. N, KJ's Restaurant, Tenant
K. Shearer	139 Ottawa St. N, Mary's Flower Shop, Owner/Tenant

b) That the City Solicitor be authorized and directed to amend By-law No. 86-99 pursuant to (1) above.

...../2

BACKGROUND:

The Main Street West Esplanade B.I.A. held its Annual General Meeting 1998 January 28. At its meeting the B.I.A.'s general membership elected its Board of Management for 1998-2000 cognizant that Bill 106 comes into force 1998 January 01 and, that the make-up of the Board must include both owners and tenants.

The establishment of a Steering Committee to address the process for 1998 B.I.A. budgets and 1998-2000 B.I.A. Board of Management was approved by City Council at its meeting held 1997 September 30. The process followed to elect the Main Street West's Board of Management for 1998-2000 was in accordance with the Steering Committees' recommendations. The initial findings of the Steering Committee have been forwarded to the members of the Planning and Development Committee by way of an Information Report dated 1997 November 10.

c.c. Ms. J. Morrison, Co-Chairman
Mr. M. Gunn, Co-Chairman
Ms. P. Noe Johnson, City Solicitor, Law Department
Attn: Mr. A. Zuidema, Solicitor

JP/jp

John Gut, Owner/Tenant
Textile Centre
268 Ottawa Street North
549-4041

Tony Bifano, Owner/Tenant
Anton Video
95 Ottawa Street North
545-5454

Daniel Kwiatkowski, Owner/Tenant **Chairman**
Beach Road Meats
201 Ottawa Street North
544-0533

John Bazinet, Representative **Treasurer**
L.G. Wallaces Funeral Home
151 Ottawa Street North
544-1147

Rob Bagliolid, Owner/Tenant
85 Ottawa St N
Bell Arte
545-8877

Lorraine Mattina, Owner/Tenant
Nova Sewing Centre
289 Ottawa St N

Manny Fresco, Owner/Tenant
Campbell Glass
137 Ottawa St North

Kevin Walton, Tenant
KJ Restaurant
134 Ottawa St North

Bill Hodge, Owner/Tenant
Hamilton Vaccuum
110 Ottawa St N

Ken Shearer, Owner/Tenant
Mary's Flower Shop
139 Ottawa St N

Ward 3 Alderman B. Morelli
Ward 3 Alderman D. Haining
Ward 4 Alderman G. Copps
Ward 4 Alderman D. Wilson

A. (ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 February 23

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Doug Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: Ottawa Street Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payments for 1998.

RECOMMENDATION:

a) That the 1998 operating budget of the Ottawa Street B.I.A. (attached as Appendix 'A') be approved in the amount of $51,875.56; and,

b) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1998 budget as referenced in (a) above; and,

c) That the following Schedule of Payments for 1997 be approved.

March 15	$17,291.86
June 15	$17,291.85
September 15	$17,291.85

NOTE: 1997 Levy arrears will be deducted from the payments for 1998.

D. Lobo.

...../2

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of $51,875.56 is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this operating budget.

BACKGROUND:

At its General Meeting held 1998 February 11, the Ottawa Street B.I.A. adopted a budget of $51,875.56.

The establishment of a Steering Committee to address the process for 1998 B.I.A. budgets and 1998-2000 B.I.A. Boards of Management was approved by City Council at its meeting held 1997 September 30. The process followed to adopt the Ottawa Street B.I.A. 1998 Budget was in accordance with the Steering Committees' recommendations. The initial findings of he Steering Committee have been forwarded to members of the Planning and Development Committee by way of an Information Report dated 1997 November 10.

JP/jp
Attch.
P&D\budget98

c.c. Mr. A. Ross, City Treasurer

Mr. D. Kwiatkowski, Chairman
Ottawa Street North
201 Ottawa Street North

APPENDIX "A"

OTTAWA STREET BIA

1998 BUDGET

MARKETING AND ADVERTISING		$25,000.00
-STREETFEST		
-CHRISTMAS		
-PARKING PROGRAM		
OFFICE EXPENSES		
-TELEPHONE	$1,000.00	
-PRINTING	$2,500.00	
-RENT	$1,200.00	
-BOOKKEEPING AND MISC.	$2,300.00	
MAINTENANCE		
-PLANTERS/FLOWERS		
-CHRISTMAS DECORATIONS	$5,000.00	
-BANNERS		
(INSTALLATION, REMOVAL, CLEANING)		$5,000.00
OUTSTANDING LEVIES 1997 PREVIOUS YEAR		$14,875.56
TOTAL	$51,875.56	

A. (iii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 February 23

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Doug Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: Tenth Annual Public Service Announcement
Phase IV of the Downtown Action Plan.

RECOMMENDATION:

That the City of Hamilton's Public Works and Traffic Department, in conjunction with the Keep Hamilton Clean Committee, hold the Tenth Annual Public Service Announcement Competition through Mohawk College Media Studies Program and ONtv at a total cost of $2,500.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funds are available in Phase IV of The Downtown Action Plan Account Number CF 5698-428803006.

BACKGROUND:

On 1988 November 28, City Council adopted Section One of the 23rd Report of the Planning and Development Committee which approved recommendations one through four and six of the City of Hamilton's Sanitation Study. Pursuant to this a Public Service Announcement (P.S.A.) competition was established in 1989 in co-operation with Mohawk College and ONtv. The P.S.A. has been very successful over the past nine years and has assisted the City of Hamilton in developing community awareness amongst its residents. The students of the Media Studies Program at Mohawk College are ready to commence preparing their submissions for the P.S.A. for 1998. Selection of the winning entries is carried out by The Keep Hamilton Clean Committee, Mohawk College and the Public Works and Traffic Department. Awards will be made in approximately July-August 1998.

For the initial seven years the City of Hamilton contributed $3000. on an annual basis to the P.S.A. To demonstrate its continued commitment to the cause of keeping Hamilton clean, while at the same time being fiscally responsible, the City's contribution has been reduced to $2,500 for the past two years.

HM:hm
P&DPSA.10th

c.c. Mr. K. Wallace, Media Studies
Mohawk College of Applied Arts & Technology

Mr. D. Heintz, Public Works and Traffic Department

Mr. B. Janes
ONtv

B. (i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 February 20

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
9 Hillyard Street - Tag Number 98-101067
(98.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 9 Hillyard, in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

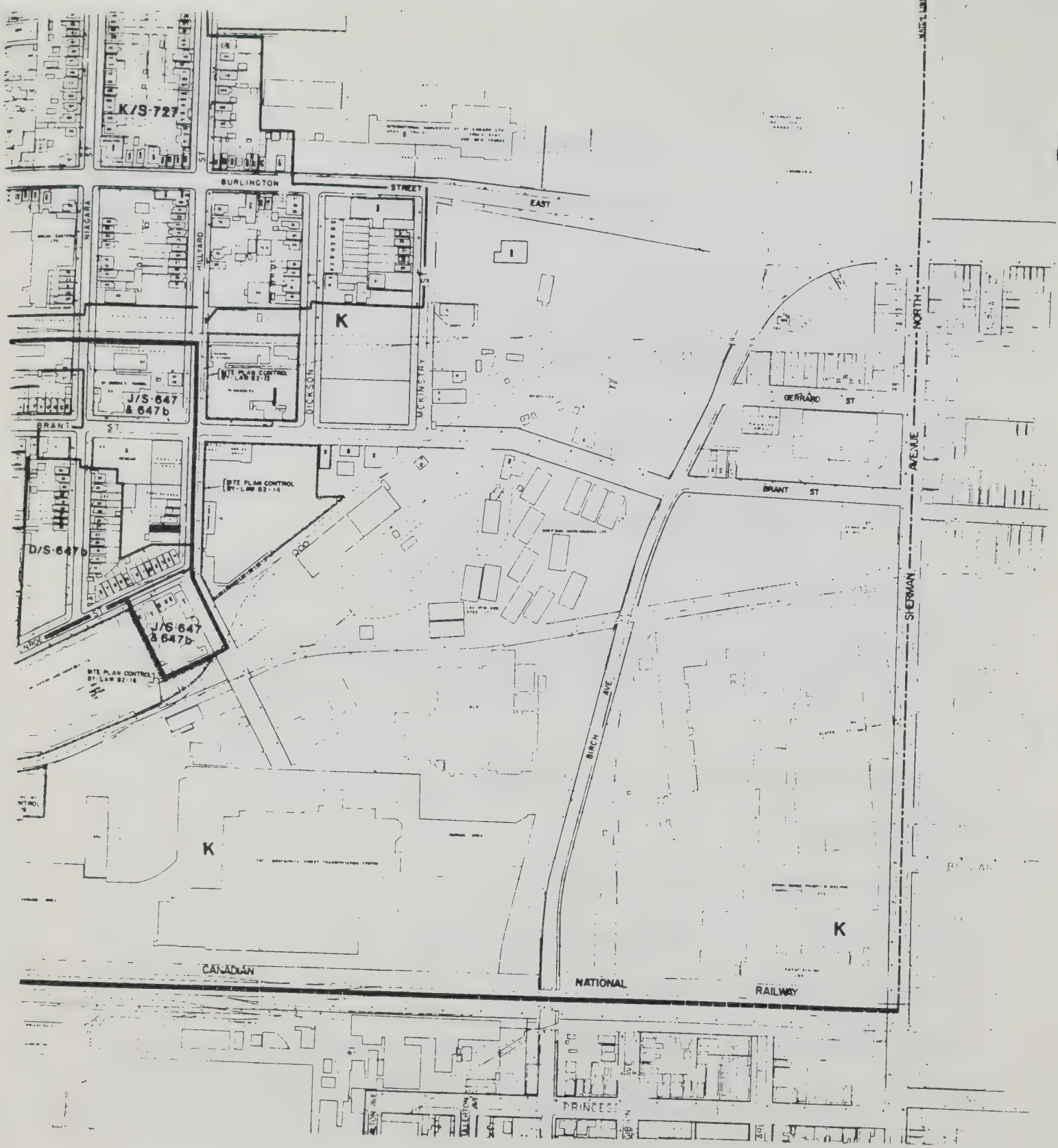
BACKGROUND:

PRESENT ZONING:	J/S-746, 746b
PRESENT USE:	Vacant Single Family Dwelling
PROPOSED USE:	Vacant Land
BRIEF DESCRIPTION:	The owner wishes to demolish the existing 2 storey frame dwelling and leave the land vacant at this time. This property is located in the Industrial Sector "B" and Keith neighborhood and located in Ward 3. No LACAC interest. Lot size 24.0 x 90.0.

The owner of the property and applicant as per the demolition permit is:

Amcan Castings Limited
10 Hillyard Street
Hamilton ON L8L 7X3

FP/bel



SUBJECT PROPERY
9 HILLARD ST

		81
69	70	71
95	48	126

This is not a Legal Document
For Zoning Verification Please
Contact The City Building Department

CITY OF HAMILTON

INDUSTRIAL SECTOR "B" AND KEITH ZONING

Neighbourhood Boundary
Zoning Boundary

0 100m
Scale 50m
NORTH

Prepared for The City of Hamilton
by the Planning and Development

B. (ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 February 20

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
11 Hillyard Street - Tag Number 98-101056
(98.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 11 Hillyard, in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

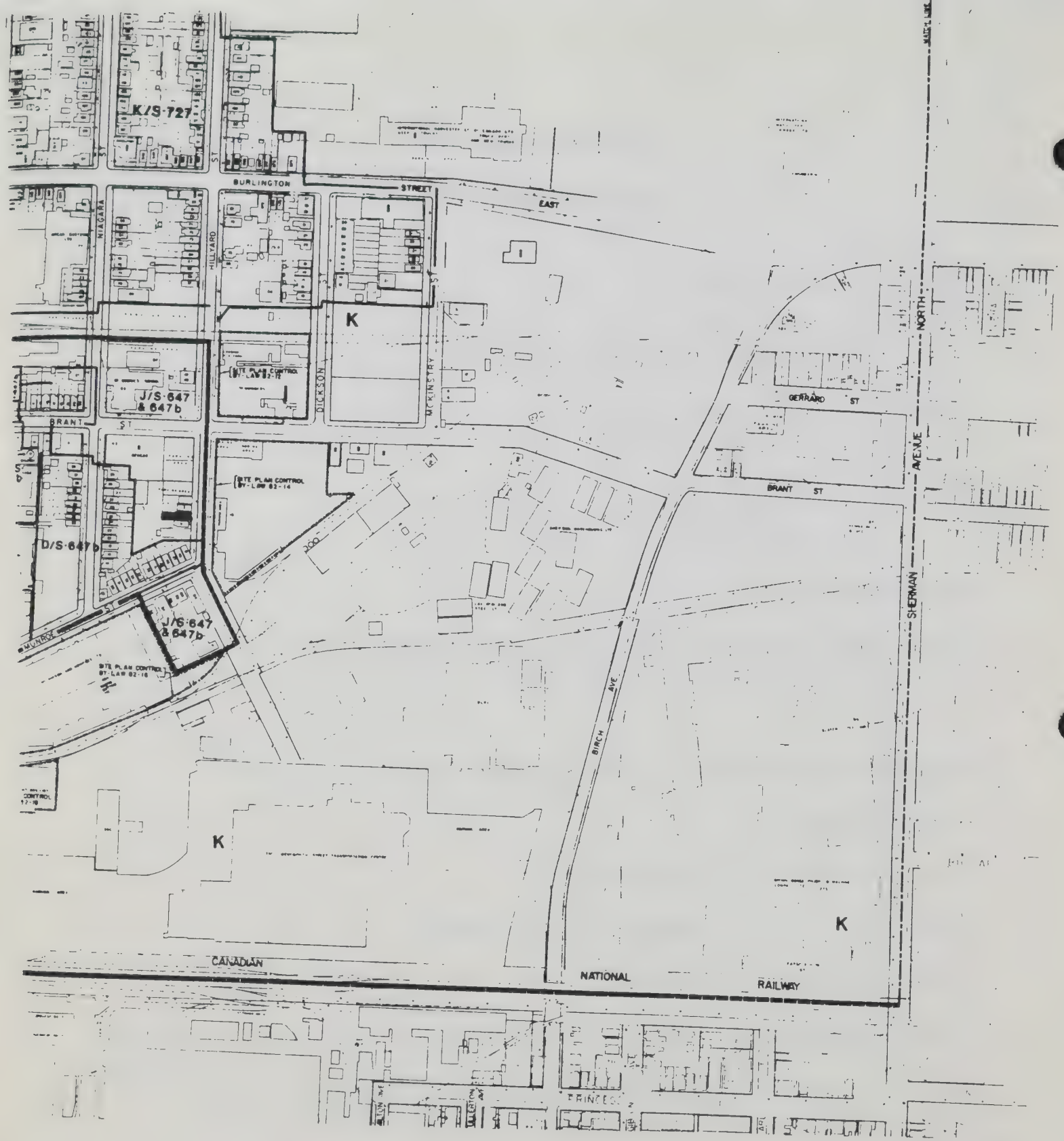
BACKGROUND:

PRESENT ZONING:	J/S-746, 746b
PRESENT USE:	Vacant Single Family Dwelling
PROPOSED USE:	Vacant Land
BRIEF DESCRIPTION:	The owner wishes to demolish the existing 2 storey frame dwelling and leave the land vacant at this time. This property is located in the Industrial Sector "B" and Keith neighborhood and located in Ward 3. No LACAC interest. Lot size 24.0 x 90.0.

The owner of the property and applicant as per the demolition permit is:

Amcan Castings Limited
10 Hillyard Street
Hamilton ON L8L 7X3

FP/bel



SUBJECT PROPERTY
11 HILLYARD

		81
69	70	71
95	48	126

This is not a Legal Document
For Zoning Verification Please
Contact The City Building Department

CITY OF HAMILTON

INDUSTRIAL SECTOR "B" AND KEITH ZONING

Neighbourhood Boundary
Zoning Boundary

0 100m
Scale 50m
NORTH

Prepared for The City of Hamilton

B. (iii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 February 20

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
13 Hillyard - Tag Number 98-101039
(98.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 13 Hillyard, in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: J/S-746, 746b

PRESENT USE: Vacant Single Family Dwelling

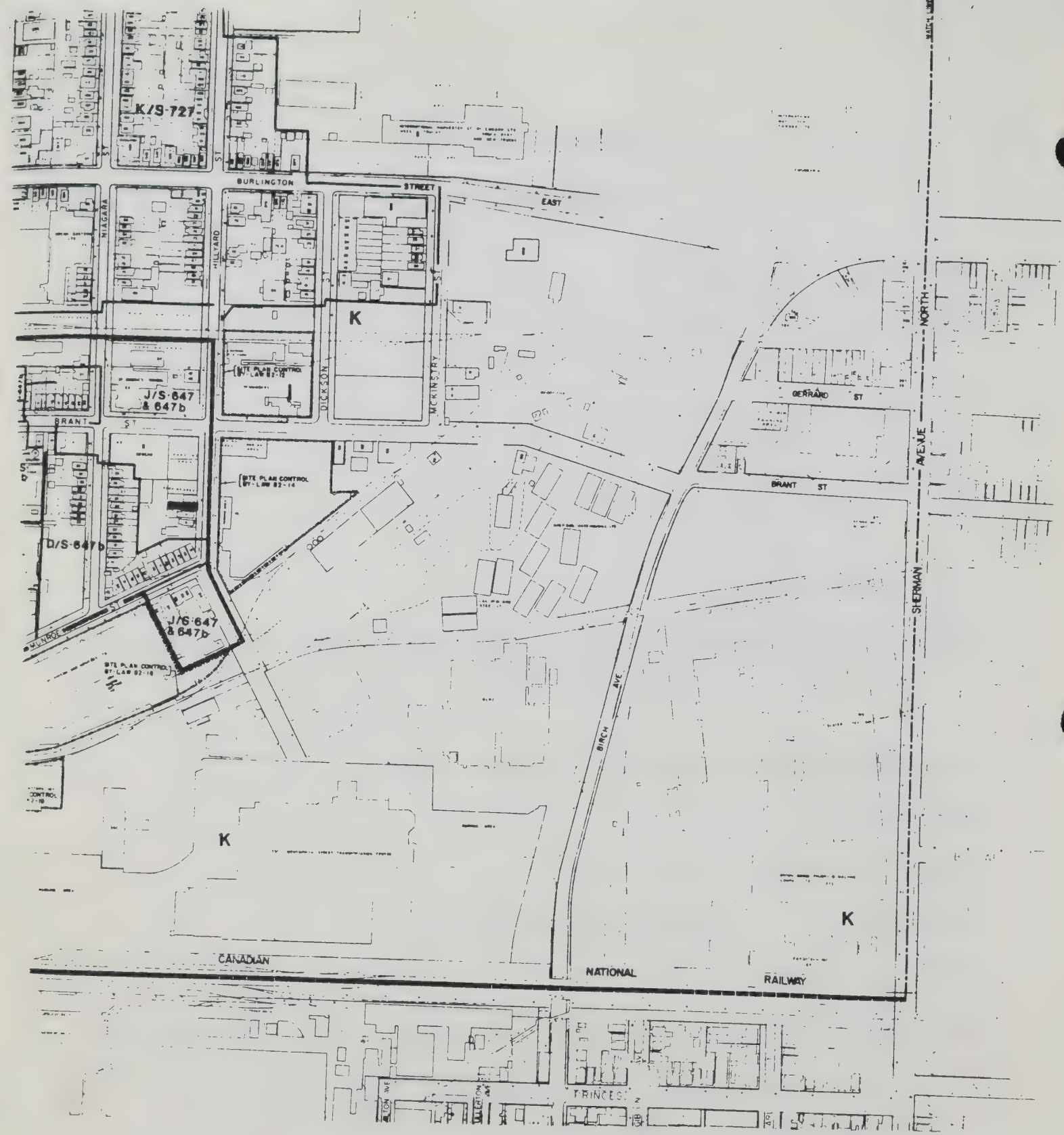
PROPOSED USE: Vacant Land

BRIEF DESCRIPTION: The owner wishes to demolish the existing 2 storey frame dwelling and leave the land vacant at this time. This property is located in the Industrial Sector "B" and Keith neighborhood and located in Ward 3. No LACAC interest. Lot size 24.0 x 90.0.

The owner of the property and applicant as per the demolition permit is:

Amcan Castings Limited
10 Hillyard Street
Hamilton ON L8L 7X3

FP/bel



SUBJECT PROPERY
13 HILLYARD ST

		81
69	70	71
95	48	126

This is not a Legal Document
For Zoning Verification Please
Contact The City Building Department

CITY OF HAMILTON

INDUSTRIAL SECTOR "B" AND KEITH ZONING

Neighbourhood Boundary
Zoning Boundary

0 100m
Scale 50m
NORTH

Prepared for The City of Hamilton

C. (i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 February 19
(PLC-97-05)
Falkirk East Neighbourhood

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Application to Remove Part-Lot Control
"Claudette Gardens - Phase 9" Subdivision
Registered Plan No. 62M-825

RECOMMENDATION:

(a) That approval be given to the request of 800064 Ontario Inc., Anthony Di Silvestro, owner, to remove part-lot control to establish maintenance easements for Lots 14 - 31, inclusive, Registered Plan 62M-825 "Claudette Gardens - Phase 9", as shown on APPENDIX "B";

(b) That the exempting by-law be restricted to a 1 year effective time period to expire on March 15, 1999;

(c) That the Director of Planning and Development be authorized to prepare a By-law, to the satisfaction of the City Solicitor, to remove part lot control from Lots 14 - 31, inclusive, Registered Plan 62M-825 "Claudette Gardens - Phase 9" of subdivision be presentation to City Council; and,

(d) That following enactment of this by-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse the same on the by-law.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The application for removal of part lot control is to permit the establishment of maintenance easements in accordance with the approved plan of subdivision "Claudette Gardens - Phase 9". The maintenance easements will be on Lots 14 - 31, inclusive (See Appendix "B").

Location

The lands are located south of Stone Church Road West, west of Garth Street in the Falkirk East Neighbourhood (Appendix "A").

COMMENTS:

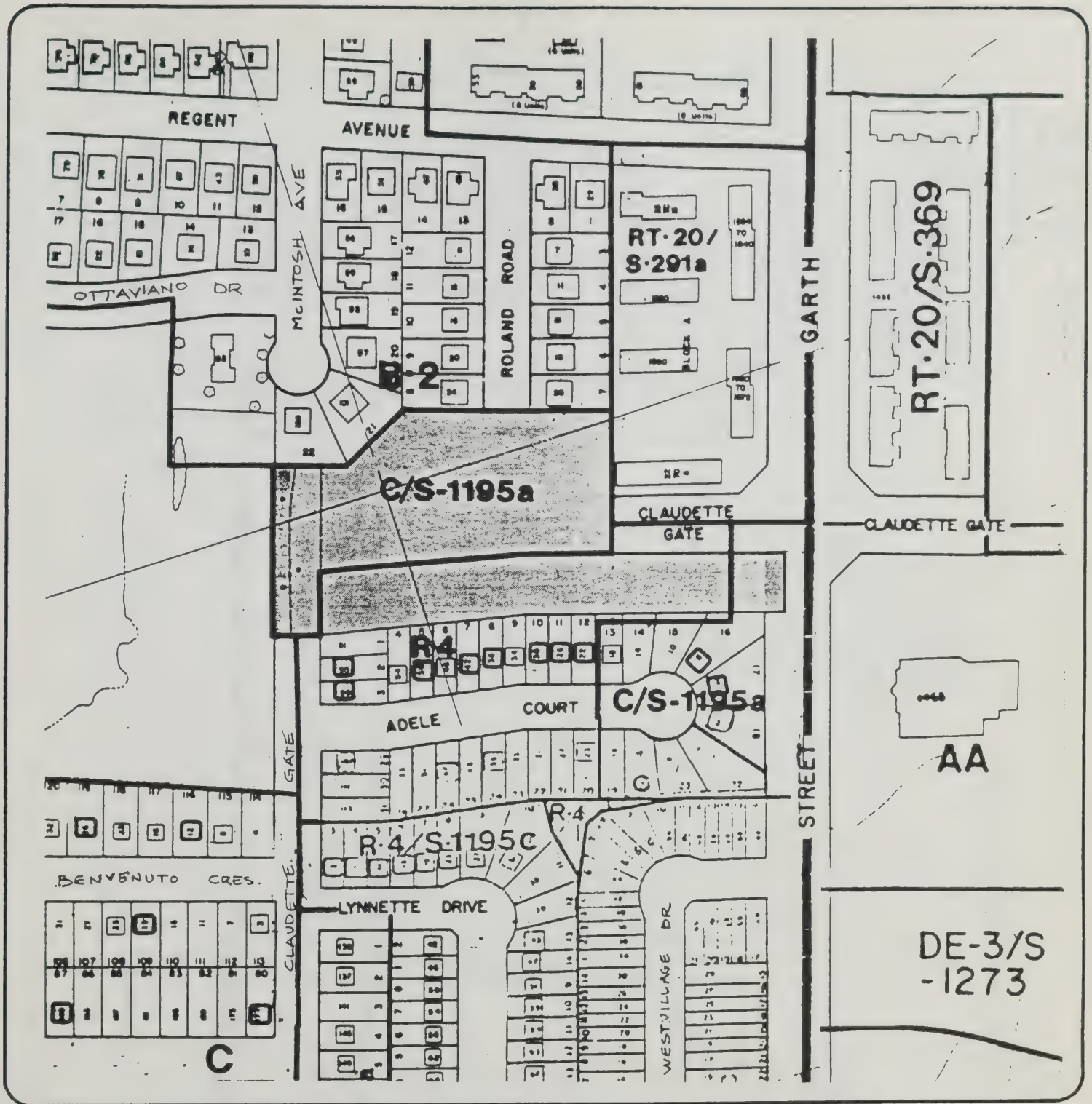
1. Removal of "part-lot" control is a measure provided for under the Planning Act to permit minor division of land without having to obtain approval of each individual parcel of land by the Committee of Adjustment, thereby reducing the overall administrative process required to obtain the same objective. The measure is exercised by municipalities by registering a by-law in the Land Titles offices. It can apply only to lands within a registered plan of subdivision. In addition, Section 50(7.1) of the Planning Act, allows for an expiration date to be described in the part-lot control by-law, thereby eliminating the need to repeal said by-law. Under Section 50(7.2), Council may grant an extension before the expiration of the By-law if needed without the approval of the Minister.

2. The applicant is required under the City Subdivision Agreement to obtain a part-lot control by-law to establish maintenance agreements for the future property owners to access and maintain the side of the single family dwellings set on or adjacent to the lot-line.

CONCLUSION:

Based on the foregoing, the request to remove part-lot control can be supported.

JL/jl
PLC97-05.rpt



Legend

Site of the Application

City of Hamilton

Location Map

Planning and Development Department

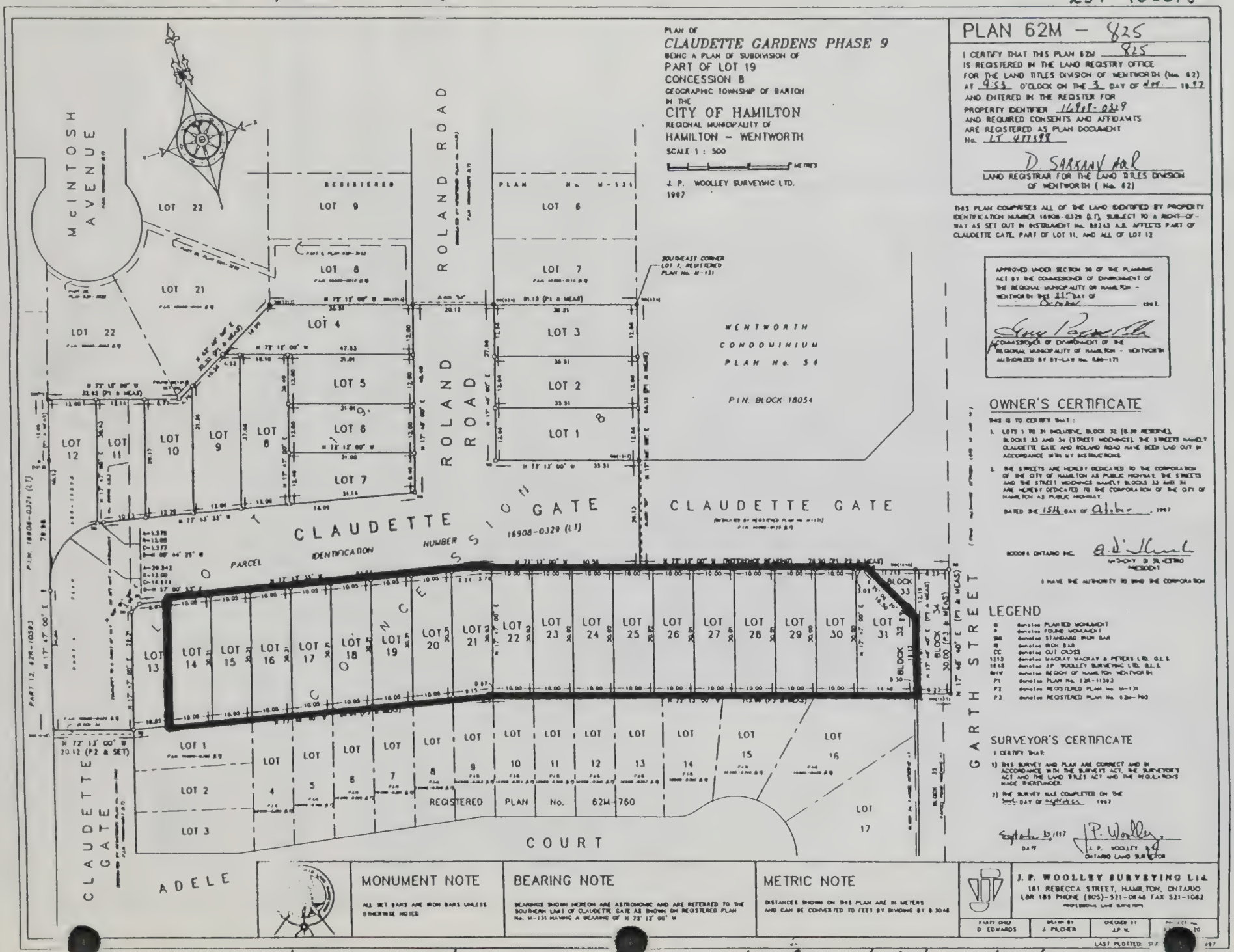
North	Scale	Reference File No
	NOT TO SCALE	PLC-97-05
	Date	Drawn By
	December, 1997	R.L.

APPENDIX A

CLAUDETTE GATE / ROLAND ROAD

M-825

25T-90001J



Legend: ▬▬ Lot 14 To 31, removal of part lot control.

APPENDIX B

4

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 98—

To Remove
Land within the "Claudette Gardens - Phase 9" Subdivision
Plan 62M-825 from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.

(7.1) **Requirement for approval of by-law.** -- A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.

(7.2) **Exemption from approval.** -- An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.

(7.3) **Expiration of by-law.** -- A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.

(7.4) **Extension of time period.** -- The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

(7.5) **Amendment or repeal.** -- The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton–Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, for the purpose of creating maintenance easements, shall not apply to the following lands:

   Lots 14 - 31, inclusive, within Registered Plan Number 62M-825, in the City of Hamilton, Regional Municipality of Hamilton–Wentworth.

2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton–Wentworth.

   (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

   (c) This By-law shall expire on March 15, 1999.

PASSED this day of A.D. 1998.

City Clerk Mayor

C. (ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 February 19
DA-95-08
Bruleville Neighbourhood

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a six (6) month extension for the approval of Site Plan Control Application DA-95-08 for an addition to the existing commercial development at 970 Upper Wentworth Street.

SECOND REPORT

RECOMMENDATION:

That approval be given to the request by Toys "R" Us (Canada) Ltd., owner of the lands at 970 Upper Wentworth Street, as shown on the attached map marked as Appendix "A", for an extension to the approval of Site Plan Control Application DA-95-08 to September 11, 1998, and that at the end of this period if a Building Permit has not been issued, the proposed development must be subject to a new Site Plan Control Application.

EXPLANATORY NOTE:

Under By-law No. 87-150, Section 3 indicates that where no facilities or works have been provided in whole or in part or where a building permit has not been issued within two years from the date of approval of the plans and drawings, the approval shall cease. The approval of DA-95-08 ceased on April 4, 1997 and previously extended until March 11, 1998. The owner has requested a further extension of this time limit and has indicated that a six (6) month extension would be sufficient.

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

Site Plan Control Application DA-95-08 received conditional approval on April 4, 1995. Final plans were approved on May 4, 1995. The Site Plan Control approval was previously extended for a one (1) year period, until March 11, 1998. The site plan approval would permit a 2,918.37 m^2 addition to the existing commercial building. However, to date, no building permit has been issued. The applicant has indicated that they are in the final stage of negotiations with a tenant for the addition, and expect to have a lease agreement. An extension is requested to permit the applicant to finalize leasing arrangements and have capital approvals in place.

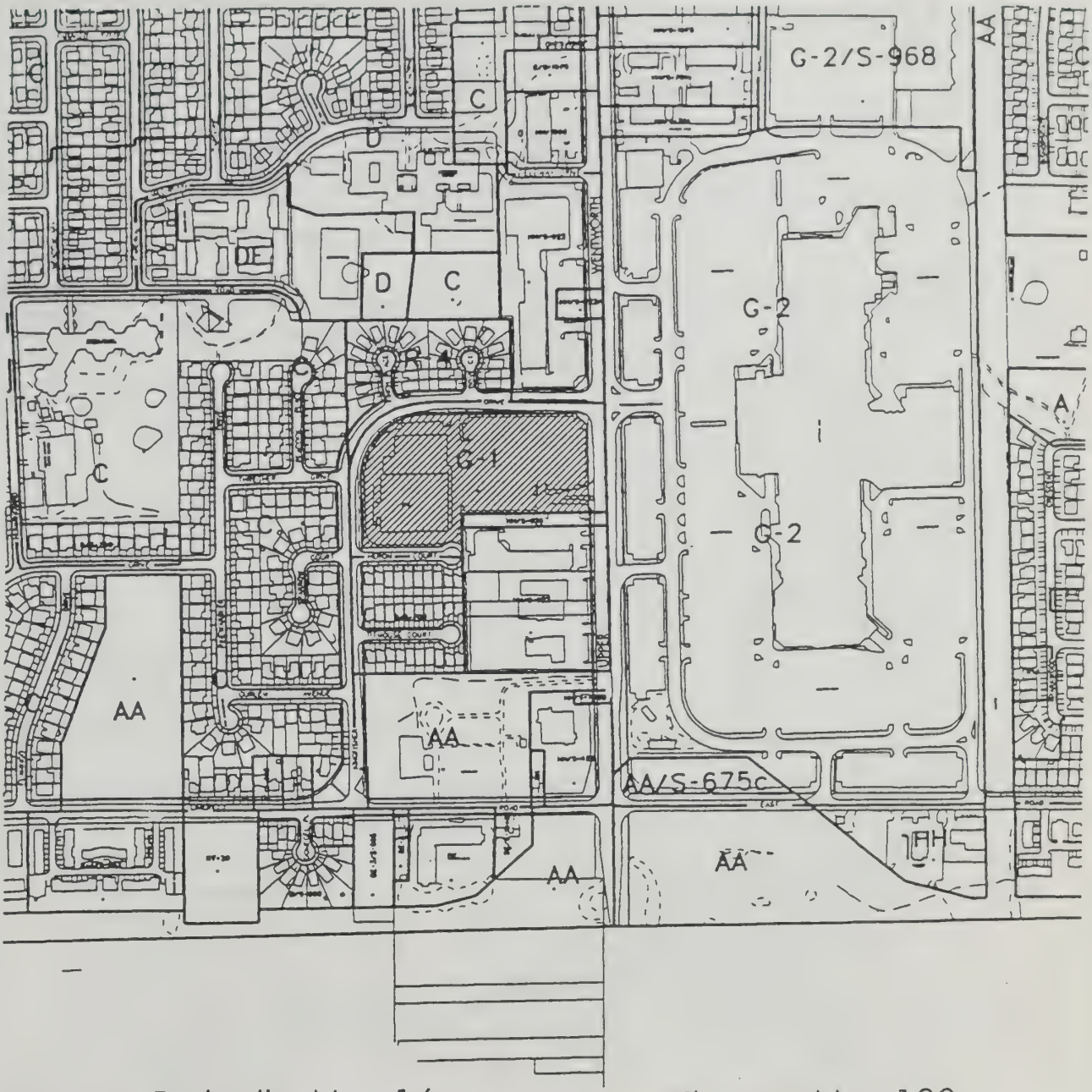
There are no changes proposed to the approved plans and drawings. Furthermore, the Law Deapartment has advised that they have no concerns respecting the extension. A copy of the approved Site Plan is attached as APPENDIX "B".

COMMENTS:

Under By-law No. 87-150, Section 3 indicates that where no facilities or works have been provided in whole or in part, or where a building permit has not been issued within two years from the date of approval of the plans and drawings, the approval shall cease. City Council approval is therefore required to modify the time frame. Since no changes are proposed to the approved application, it is recommended that a six (6) month extension be granted.

At the end of this six (6) month period, if no Building Permit has been issued, it is recommended that a new application be submitted for the approval of development plans.

JL\jl



City of Hamilton

Plan Showing Lands Subject to

Site Plan Control Application DA-95-08

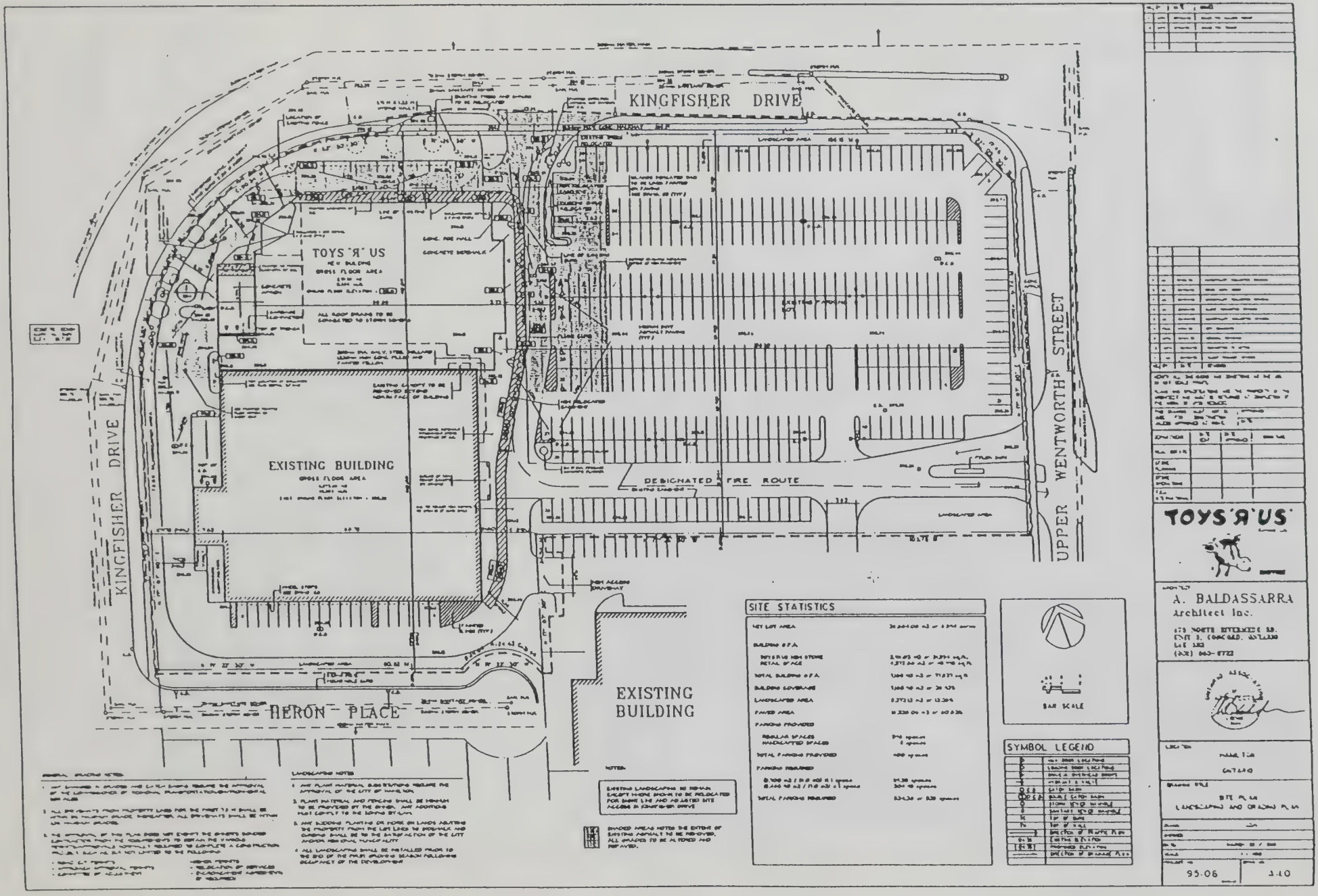
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	Not to Scale	DA-95-08
	Date	Drawn By
	MARCH 13, 1995	William Braithwaite

APPENDIX A


KINGFISHER DRIVE
TOYS 'R' US
EXISTING BUILDING
KINGFISHER DRIVE
HERON PLACE
EXISTING BUILDING
DESIGNATED FIRE ROUTE
UPPER WENTWORTH STREET
SITE STATISTICS
SYMBOL LEGEND
TOYS 'R' US
A. BALDASSARRA
Architect Inc.
95-06
1:10

APPENDIX

CITY OF HAMILTON

- RECOMMENDATION -

C. (iii)

DATE: 1998 February 24

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for removal of a 'H' Holding provision – 60 Rice Avenue

RECOMMENDATION:

(a) That approval be given to Zoning Application ZAR-98-04, Chedoke Hospital Corporation, owner, requesting removal of the 'H' – Holding provision under Section 36(1) of the Planning Act, R.S.O., 1990, to permit development of the subject lands for a maximum of forty (40) townhouse units, for property located at No. 60 Rice Avenue, shown on the attached map marked as APPENDIX "A"; and,

(b) That the attached by-law marked as APPENDIX "C", prepared by the Director of Planning in a form satisfactory to the City Solicitor, to amend Zoning By-law No. 6593 as amended by By-law No. 96-113, and Zoning District Map W-37, be forwarded to Council for adoption.

EXPLANATORY NOTE:

The purpose of the proposed By-law is to remove the 'H' – Holding symbol, for lands located at No. 60 Rice Avenue, as shown on the attached map marked as APPENDIX "A". The 'H' – Holding provision was placed on the subject lands until the applicant has completed a noise study, and any required works, to the satisfaction of the Ministry of Environment and Energy.

City Council may remove the 'H' symbol, and thereby give effect to the "DE" District modified provisions by enactment of an amending by-law once the condition is fulfilled.

The effect of the by-law is to permit the development of the subject lands for a maximum of forty (40) townhouse units with a maximum height of one and a half (1 1/2) storeys.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Zoning By-law No. 96-113

On June 25, 1996, City Council passed By-law No. 96-113 which changed the zoning of the lands located at the south-west corner of Chedmac Drive and Rice Avenue, as shown on APPENDIX "B", on the following basis:

Block "1" - From "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District, modified.

Block "2" - From "AA" (Agricultural) District to "DE" – 'H' (Low Density Multiple Dwellings – Holding) District, modified.

The effect of the By-law is to permit a maximum of forty (40) townhouse units on Block "2" to be developed in conjunction with forty-one (41) townhouse units on Block "1".

The By-law also provided a variance to restrict the height of the townhouses to a maximum of one and a half (1½) stories.

The 'H' Holding provision was placed on the subject lands (ie. Block "2") until the applicant has completed a noise study, and any required works, to the satisfaction of the Ministry of Environment and Energy.

APPLICANT:

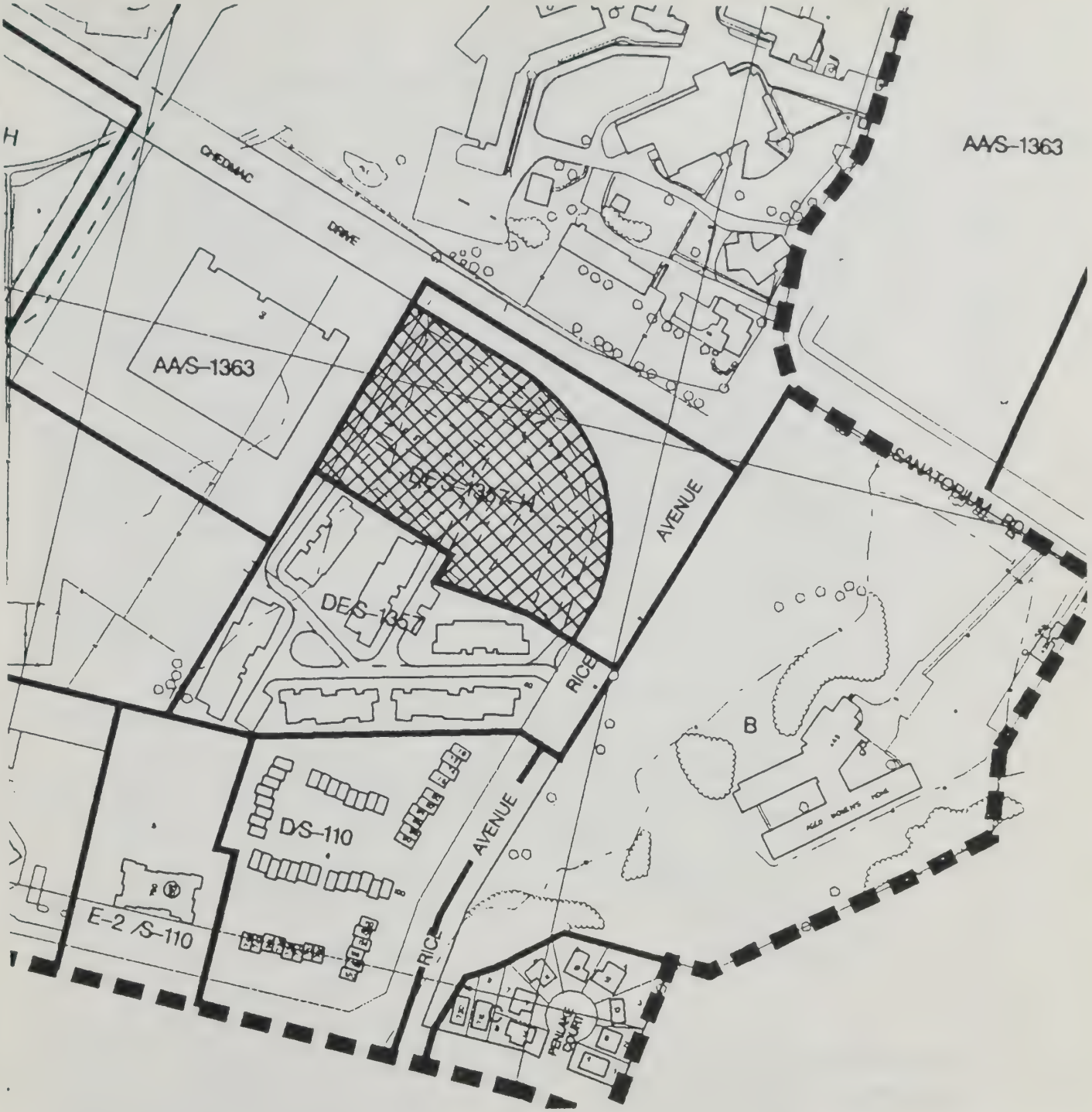
Chedoke Hospital Corporation, owner.

COMMENTS:

The Ministry of the Environment has advised that the works required to enable the lifting of the 'H' – Holding provision as required under By-law No. 96-113 have been completed, and there is no objection.

CONCLUSION:

Based on the foregoing, removal of the 'H' – Holding provision can be supported.



Legend

Site of the Application

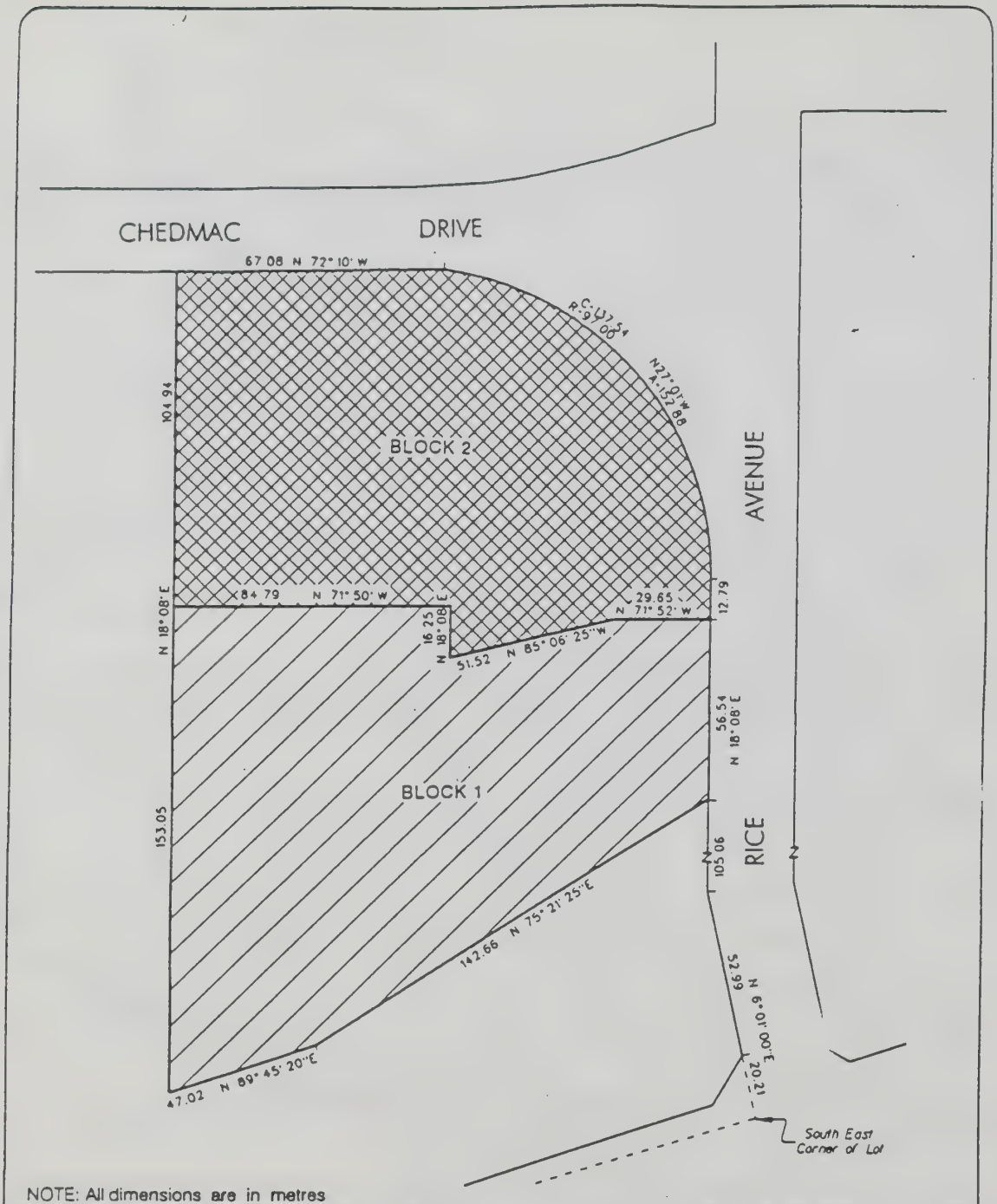
City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	ZAR-98-04
	Date	Drawn By
	FEBRUARY, 1998	B. B.

APPENDIX A



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 96-.113
Passed the ..25th day of .....June....., 1996.

Clerk

Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 96-..113..
to Amend By-Law No.6593

Planning and Development Department

Legend

BLOCK 1 — Changes in zoning from "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District, Modified.

BLOCK 2 — Changes in zoning from "AA" (Agricultural) District to "DE"-"H" (Low Density Multiple Dwellings – Holding) District, Modified.

North	Scale	Reference File No.
	Not to Scale	ZAR-95-81
	Date	Drawn By
	JUNE 1996	R.L.

APPENDIX B

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 98-

To Amend:

Zoning By-law No. 6593
As Amended By Zoning By-law No. 96-113

Respecting:

LAND LOCATED AT THE SOUTH-WEST CORNER OF CHEDMAC DRIVE AND RICE AVENUE (MUNICIPALLY KNOWN AS NO. 60 RICE AVENUE)

WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 96-113 on the 25th day of June, 1996 to rezone Block 2 from "AA" (Agricultural) District to "DE-" - 'H'(Low Density Multiple Dwellings - Holding) District, and to establish special requirements with respect to Block 2, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which By-law came into force on the day it was passed in accordance with the Planning Act;

AND WHEREAS Section 3 of By-law No. 96-113 provides that upon the applicant completing a noise study, and any required works, to the satisfaction of the Ministry of Environment and Energy for Block 2 of the subject lands, the 'H' symbol shall be removed by amendment to By-law No. 96-113;

AND WHEREAS approval of the noise study, and any required works to the satisfaction of the Ministry of the Environment have been completed;

AND WHEREAS City Council in adopting Item of the th Report of the Planning and Development Committee at its meeting held on the 10th day of March, 1998 directed that By-law No. 96-113 be amended to remove the 'H' (Holding) symbol in respect of the subject lands;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The 'H' (Holding) symbol affixed by By-law No. 96-113, passed on the 25th day of June, 1996, to Block 2, the extent and boundaries of which are shown on a plan annexed as Schedule "A" to By-law No. 96-113 and forming part thereof is hereby removed, and the development of the lands may proceed in accordance with the "DE" (Low Density Multiple Dwellings) District provisions of Zoning By-law No. 6593, subject to the special requirements referred to in section 4. of By-law No. 96-113.

2. Sheet No. W-37 of the District Maps, appended to and forming part of Zoning By-law No. 6593, as amended by section 2. of By-law No. 96-113, is further amended by changing Block 2 from "DE" - 'H'(Low Density Multiple Dwellings - Holding) District to "DE" (Low Density Multiple Dwellings) District, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" and forming part of this By-law.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "DE" District provisions, subject to the special requirements referred to in section 4. of By-law No. 96-113.

4. By-law No. 6593, as amended by By-law No. 96-113, is further amended by adding this by-law to section 19B as Schedule S-1357a.

APPENDIX C

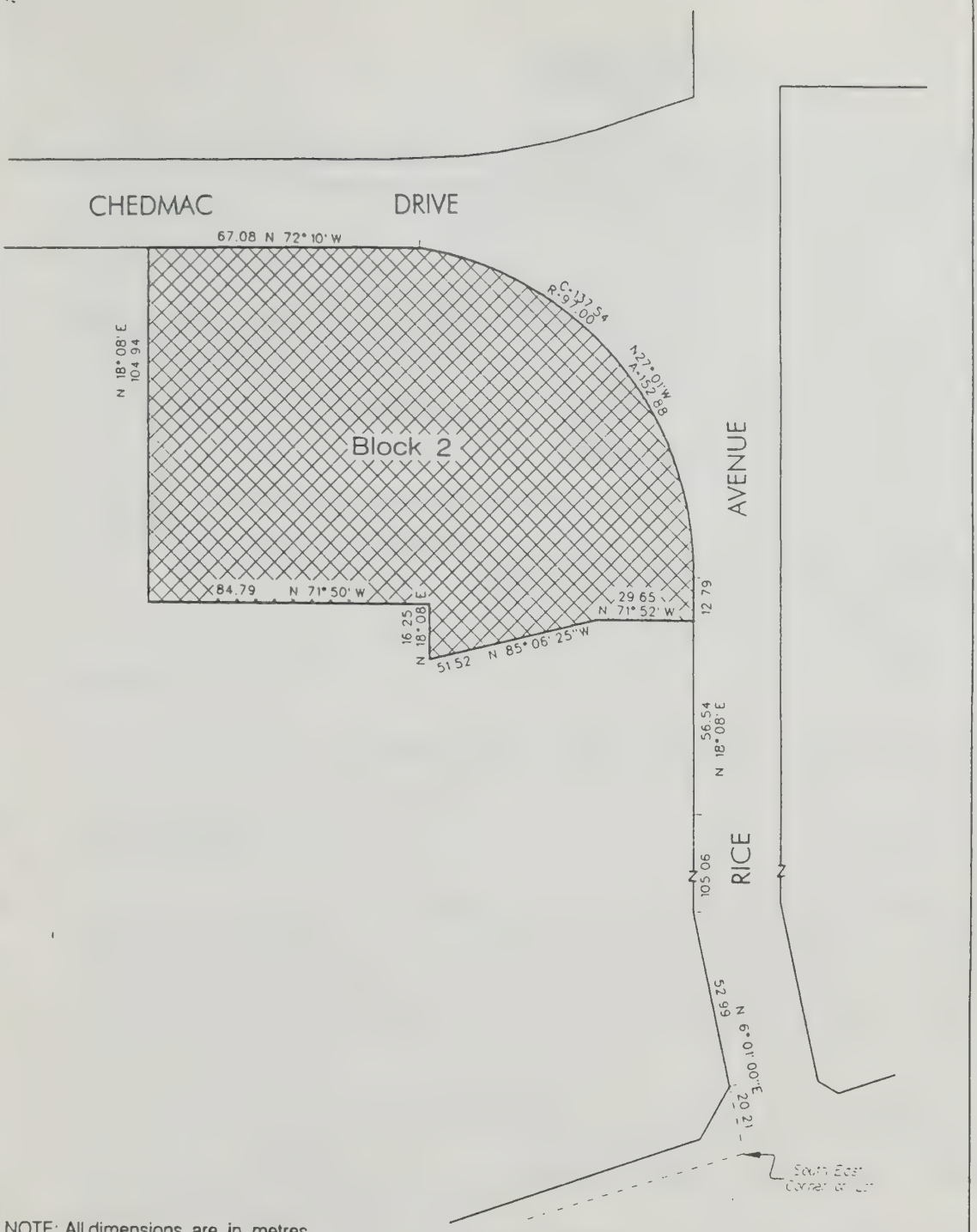
5. Sheet No. W-37 of the District Maps, as amended by By-law No. 96-113, is further amended by marking the land referred to in section 2. of this by-law, S-1357a.

6. In all other respects, By-law No. 96-113 is hereby confirmed, unchanged.

PASSED this day of A.D. 1998.

CITY CLERK MAYOR

(1998) R.P.D.C. , March 10
Chedoke Hospital Corporation (John C. Pelech), agent
ZAR-98-04



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-.....
Passed the ..... day of ....., 1998.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 98-.....
to Amend By-Law No.6593
as Amended By-Law No.96-113

Planning and Development Department

Legend

Block 2 — Change in zoning from "DE"-'H' (Low Density Multiple Dwellings - Holding) District, Modified to "DE" (Low Density Multiple Dwellings) District, Modified.

North	Scale	Reference File No.
	Not to Scale	ZAR-98-04
	Date	Drawn By
	FEB. 1998	R.L.

capic

D.

CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE
a Subcommittee of the Planning and Development Committee
c/o CITY HALL, 71 MAIN STREET WEST, HAMILTON, ONTARIO, L8N 3T4

DATE: 1998 February 25
TC-CAP(C)

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Mary M. Pocius
Chairperson
Central Area Plan Implementation Committee

SUBJECT:

Central Area Plan Implementation Committee (CAPIC) - Membership Update

BACKGROUND:

The Central Area Plan Implementation Committee (CAPIC) was established by Council in February, 1984, to concentrate on policy issues and their implementation. Its primary function is the implementation, update and revision of the Central Area Plan. Other functions include acting as an advisory committee, through the Planning and Development Committee, on issues important to the downtown core area, and ensuring that actions are undertaken and co-ordinated.

Since its formation, CAPIC has undertaken a major review of the Central Area Plan, which was approved by Council in 1988, and has also provided advice to the Planning and Development Committee on matters related to planning in the Central Area, which includes the downtown core and six surrounding neighbourhoods.

In 1994, CAPIC began to focus its attention more directly on the downtown, due to concerns about the serious effects of the recession, and in recognition of the importance of the downtown to the whole City. A series of public forums were held on downtown issues, which generated much discussion. The committee continues to liaise with and provide support to other committees dealing with downtown issues, such as the Strategic Planning Task Force of the Downtown Partnership.

Urban design was added to the mandate of CAPIC in February 1995, when Council adopted the recommendations of the Task Force to Review the Sub-Committee Structure. The former Urban Design Committee was disbanded, and its functions became part of the mandate of overall mandate.

The Terms of Reference for CAPIC, a copy of which is attached, have been modified slightly over the years, in recognition of its changing functions and priorities. An action plan for work in 1998 is being prepared, to provide direction, set goals and define specific actions for the year.

CAPIC will play a role in the preparation of the Downtown Secondary Plan. An advisory committee is proposed to be formed to work with staff on this project, namely the Downtown Planning Advisory Committee on the Secondary Plan. Members of CAPIC are to be appointed to this committee, to represent neighbourhoods and other Community interests. Additional representatives are to be included from the business community, the development industry, and the Strategic Planning Task Force, as well as Council.

While the Downtown Secondary Plan is being prepared, CAPIC will continue to meet on other issues. Meetings will be limited to about four per year, with additional meetings at the call of the chair.

Membership Update

The membership of the Central Area Plan Implementation Committee is composed of representatives of various agencies such as neighbourhood associations, business associations, and other downtown interest groups. The current membership list is attached. Most members are appointed and replaced by the agencies they represent. In addition, there are two citizen-at-large members, who are appointed for each term of Council, by means of the standard interview and selection process used for citizen advisory committees in the City.

Two new Council representatives were appointed by Planning and Development Committee at its meeting of January 21, 1998. These were Alderman R. Corsini, and Alderman G. Copps. Two citizen members were appointed through the interview and selection process, as confirmed on February 5, 1998. These were William O'Brien, for a term to expire on November 30, 1999, and Denise Giroux, for a term to expire on November 30, 2000. This staggering of the membership terms will help ensure continuity of membership in the future.

Mary Pocius was elected to the role of chairperson at the CAPIC meeting of January 12, 1996, and has served as chairperson since that time. Gil Simmons has served as acting vice-chairperson. A review of the roles of chair and vice-chair is generally carried out at this time, early in the term of Council and new committee members.

vg/
CAPMEP&D.98

CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE (CAPIC)

MEMBERSHIP 1998 - 2000

Member	Agency Represented
Mary Pocius, Chairperson	International Village B.I.A.
Gil Simmons, Vice Chairperson	North End Neighbourhoods
Alderman R. Corsini	Alderman, Ward 2
Alderman G. Copps	Alderman, Ward 4
Russell Elman	Durand Neighbourhood Assoc.
Art Lomax	Hamilton Automobile Club
Gerry Kennedy	Hamilton-Burlington Real Estate Bd.
Dr. John Eyles	McMaster University
Carlo Gorni	Downtown B.I.A.
James Wilson	Senior Citizens Council
Rick Lintack	Hamilton Society of Architects
Helen Kirkpatrick	Central and North End Assoc.
Brenda Mitchell	Stinson Community Assoc.
Richard Gillespie	Beasley Neighbourhood Assoc.
Dick Simpson	Corktown Neighbourhood
Don Jaffray	Social Planning and Research Council
Denise Giroux	Citizen Member (to Nov. 30, 2000)
William O'Brien	Citizen Member (to Nov. 30, 1999)

CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE (CAPIC)

TERMS OF REFERENCE

The mandate of the Committee is to advise the Planning and Development Committee on planning matters relating to the Central Area, including:

- Update and revision of the Central Area Plan;
- Implementation of policies of the Central Area Plan;
- Acting as a sounding board for development proposals;
- Urban design issues in the Central Area;
- Co-ordinating initiatives in the Central Area;
- Monitoring Central Area matters; and,
- Supplying representatives to other committees to provide a Central Area viewpoint.

The Central Area is defined as the area bounded by Queen Street, Victoria Avenue, the Escarpment and the Bay.

Administration

- The committee is made up of representatives of a wide range of organizations and other individuals, to form a knowledgeable and balanced group.
- Most representatives are appointed by their organizations. There are also 2 citizen-at-large members, selected for each term of Council, through the process administered by the City Clerk's Department.
- Changes in membership are submitted by CAPIC to the Planning and Development Committee for approval.
- A Chairperson and Vice-Chairperson are elected by CAPIC, from among the members.
- The Planning and Development Department is responsible for co-ordinating the Committee.
- CAPIC reports directly to the Planning and Development Committee, as a sub-committee.

Background

- The original Central Area Plan was prepared during 1979 and 1980, by the Central Area Plan Advisory Committee in conjunction with Planning staff. The Plan was adopted by City Council in 1981.

- In 1983, City Council identified the need for a policy-oriented committee to implement the plan.

- In February, 1984, the Central Area Plan Implementation Committee (CAPIC) was formed by Council, to concentrate on policy issues and their implementation.

- In the mid-1980's, CAPIC undertook a major review of the original 1981 Central Area Plan, in conjunction with Planning staff.

- In 1988, City Council approved the revised Central Area Plan and it was subsequently incorporated into the Official Plan.

- Additionally, CAPIC has provided advice to the Planning and Development Committee on an ongoing basis, on proposed development within the Central Area, and other proposals which would impact upon it.

- CAPIC is anticipated to form the basis of the Downtown Planning Advisory Committee on the Secondary Plan, which will be established in early 1998 to advise on the preparation of this plan.

CITY OF HAMILTON

- RECOMMENDATION -

E.

DATE: 1998 February 27th

REPORT TO: Alderman F. D'Amico, Chairperson & Members,
Planning and Development Committee

FROM: Stella Glover, Secretary
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) South Mountain Development Status

(b) Site Plan for Approval

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure is recorded for these matters.

URBAN/MUNICIPAL
CA4 ON HBL A05
C51P4
1998

Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

URBAN MUNICIPAL
MAR 23 1998
GOVERNMENT DOCUMENTS

Wednesday, 1998 March 25
9:30 o'clock a.m.
Room 233, City Hall

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Barton Village Community Improvement Plan for the Expanded Area of the Barton Village Community Improvement Project Area

2. Main Street West Community Improvement Plan for the Expanded Area of the Main Street West Community Improvement Project Area

3. Downtown Hamilton Business Improvement Area's Community Improvement Plan for the Expanded Area of the Downtown Hamilton Business Improvement Area's Community Improvement Project Area

4. Downtown Hamilton Community Improvement Plan Amendments

PUBLIC MEETINGS - 9:45 O'CLOCK A.M.

5. Zoning Application 97-39, by Hampshire Properties Limited, owner, for a change in zoning from "CR-1" District to "HH" District, modified, for lands located at 1317 Upper James Street.

   a) Submission: Robert C. and Mary Lou Dickson, 111 Stone Church Rd. E. Hamilton

6. Zoning Application 98-07, by Ontario Pride Construction Ltd., owner, for a change in zoning from "D" District to "DE" District and for a modification in zoning to the established "D" District for lands located at 30-36 Margaret Street.

7. Zoning Application 98-03, by 1215443 Ontario Inc. (Ontario Pride Construction Ltd./Michael Bobiash), owner, for a change in zoning from "C" District to "RT-20" District, modified, for the property located at 243 Fennell Avenue East.

PUBLIC MEETINGS - 10:00 O'CLOCK A.M.

8. Rental Housing Protection Act Application CD-97-003, 893 Concession Street, Raleigh Neighbourhood.

9. **VARIOUS DELEGATIONS**

Previously Tabled LACAC Report regarding -
Historic Core of McMaster University: Designation under the Ontario Heritage Act

Submissions:

a) Cyrus M. Jeejeebhoy
b) Leslie J. King
c) Brian W.B.Morison
d) Derek Clark
e) Mary Ellen Ilebb and Lesley Lewis
f) Robert D. Hamilton
g) Catherine Beattie
h) Alwyn Berland
i) Peter George
j) Hamilton Historical Board
k) Herb Jenkins
l) Nina Nakajima
m) L.W. Shemilt
n) Robert. D. Hamilton
o) Chris Lliffe
p) D.A.S. Ivison
q) Therese Moore

10. **BUILDING COMMISSIONER**

On Site Sewage Systems and the Ontario Building Code

11. **DIRECTOR OF PLANNING AND DEVELOPMENT**

Downtown Secondary Plan a) CAPIC, Request for High Priority

b) Planning Director on CAPIC Request

12. **CONSENT AGENDA**

13. **PRIVATE AND CONFIDENTIAL AGENDA**

14. **OTHER BUSINESS**

15. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No	Item	Original Date	Action	Status
1.	ZA-94-30, 336-338 King St. W.-Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
2.	Rehabilitation Loan Programs	1996 June 25 (Council)	Review to be conducted by staff	Recommendation from Building Commissioner to Cttee by 1996 Nov. 1
3.	Hamilton Harbour Land Use	1997 February 19	Staff report on site plan control procedures and incineration as a use on Commission Lands	Report forthcoming
4.	ZA-97-02, 310 Limeridge Road West	1997 March 19	Alternate Uses for the property to be investigated	Tabled. To be brought back on 1997 May 21
5.	RHPA application CD-96-004, 222 Gage Avenue South	1997 April 2 and 1997 May 7	Ward Aldermen to meet with applicant and residents	Tabled for 1 mo. Further tabled for 6 mos. (to first meeting of Nov 1997)
6.	RHPA application CD-96-005, 155 Market Street	1997 April 23	Applicant to meet with residents in order to address their concerns	Tabled for 2 months
7.	Street Naming	1997 May 7	Planning Staff to prepare a report explaining how street names are determined	Report pending
8.	Correspondence from J. Wannop, 139-147 Locke St. S.- Site Plan	1997 June 18	Referred to Planning Staff for review and comment	Pending
9.	Appleblossom Drive Extension	1997 June 18	Referred to Planning Staff for report	Report forthcoming
10.	Boulevard Policy for New Subdivisions	1997 July 2	Staff directed to prepare report	Report forthcoming
11.	Planning Tariff Fees - Condominium & Subdivisions	1997 August 20	Sub-Committee to review and report back	Pending
12.	Licensing of New Hazardous Waste Sites	1997 August 20	Referred to Planning and Law Office Staff for report	Pending
13.	RHPA Application CD-97-002, 21 Kendale Court	1997 August 20	Clarification re: reserve funds for major repairs & resolve parking issue	Tabled for 1 month
14.	Demolition Permit Application - 30 Norfolk Street North	1997 October 22	Tabled Until legal issues are resolved	Pending
15.	Parking Restrictions	1998 February 4	Referred to Planning & Building Depts. for staff reports	Pending
16.	Procedures for Identification/Remediation of Potentially Contaminated Sites	1998 March 4	Planning Staff to report back regarding City of North york Clause to Sit Plan Agreement	Pending

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 March 18 MAR 1 3 1998

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: Barton Village Community Improvement Plan (C.I.P.) for the Expanded Area of the Barton Village Community Improvement Project Area (C.I.P.A.).

RECOMMENDATION:

a) That the Barton Village Community Improvement Plan for the expanded area of the Barton Village Community Improvement Project Area, attached as Appendix 'A' be adopted, in order to implement the Commercial Property Improvement Loan Program and the Barton Street Revitalization Program; and,

b) That the Barton Village Community Improvement Plan for the expanded area of the Barton Village Community Improvement Project Area be submitted to the Ministry of Municipal Affairs and Housing for the appropriate approval; and,

c) That the City Solicitor be authorized and directed to prepare the requisite By-law for (a) above.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The Commercial Property Improvement Loan Program and the Barton Street Revitalization Program will be administred by the Loans Division of the Building Department and extended to property owners of commercial buildings for rehabilitation to the interior and exterior of properties within the extended area of the Barton Village C.I.P.A. The Program will be funded by the City of Hamilton and the Province of Ontario.

BACKGROUND:

In accordance with The Planning Act, Section 28, the City of Hamilton must designate a Community Improvement Project Area (C.I.P.A.) and create a corresponding Community Improvement Plan (C.I.P.) in order to offer loans and grants to property owners.

In 1988 the City of Hamilton undertook an initiative to administer the Commercial Property Improvement Program, a program that offers loans to property owners within specific geographic boundaries for improvements to facades and interiors of commercial buildings.

The Barton Village Business Improvement Area (B.I.A.) was identified as an area for improvement, therefore the Barton Village C.I.P.A. was subsequently designated under By-law No. 88-11 and the corresponding Barton Village C.I.P. was adopted through By-law No. 88-12. The appropriate Ministerial approval was granted in accordance with the Planning Act, 1990, Section 28.

In 1995, the Province of Ontario allocated monies to the City of Hamilton for the revitalization of Barton Street within the Barton Village C.I.P.A. Components of the revitalization efforts included administering grants to property owners of commercial properties. To ensure compliance with the Planning Act, 1990, Section 28, appropriate modifications were made to the Barton Village C.I.P. to reflect components under the revitalization efforts that were not included within the original document. These revisions were subsequently adopted through By-law 95-180 and appropriate Ministerial approval was granted.

The Barton Village B.I.A. recently expanded its boundaries. Therefore the Barton Village C.I.P.A. was subsequently amended to delineate the enlarged geographic boundaries and was designated by By-law No. 98-038. In order to be able to offer loans and grants to commercial property owners within the expanded area of the Barton Village C.I.P.A., staff have created the Barton Village C.I.P. for the expanded area of the Barton Village C.I.P.A.

DL:HM:hm
P&DBar.PMCIP

c.c. Mr. J. Howard, Chairman, Barton Village B.I.A.
Alderman B. Morelli, Barton Village B.I.A.
Alderman D. Haining, Barton Village B.I.A.
Mr. L. King, Building Commissioner, Building Dept., Attn: Mr. M. Mascarenhas
Ms. P. Noé Johnson, City Solicitor, Law Dept., Attn: Mr. A. Zuidema

THE BARTON VILLAGE COMMUNITY IMPROVEMENT PLAN FOR THE EXPANDED AREA OF THE BARTON VILLAGE COMMUNITY IMPROVEMENT PROJECT AREA

1998 February

THE BARTON VILLAGE COMMUNITY IMPROVEMENT PLAN FOR THE EXPANDED AREA OF THE BARTON VILLAGE COMMUNITY IMPROVEMENT PROJECT AREA

PREFACE:

The Barton Village Community Improvement Project Area was originally designated by By-law 88-011. The Area was subsequently expanded by By-law 98-038. The geographic areas delineated by both By-laws 88-011 and 98-038 are the subject of a Community Improvement Plan passed 1988 January 12.

By-law 98-038 has further enlarged the geographic area of the Barton Village Community Improvement Project Area.

PURPOSE:

This Community Improvement Plan is intended to apply to the expanded geographic area of the Barton Village Community Improvement Project Area as set out in By-law 98-038 and is more particularly shown on Appendix A.

Rather than being focused on large scale redevelopement, this Community Improvement Plan focuses on rehabilitation and the updating of existing facades and interiors.

This Community Improvement Plan does not replace the existing Community Improvement Plan for the geographic areas delineated by both By-laws 88-011 and 98-038.

ASSISTANCE TO THE EXPANDED AREA:

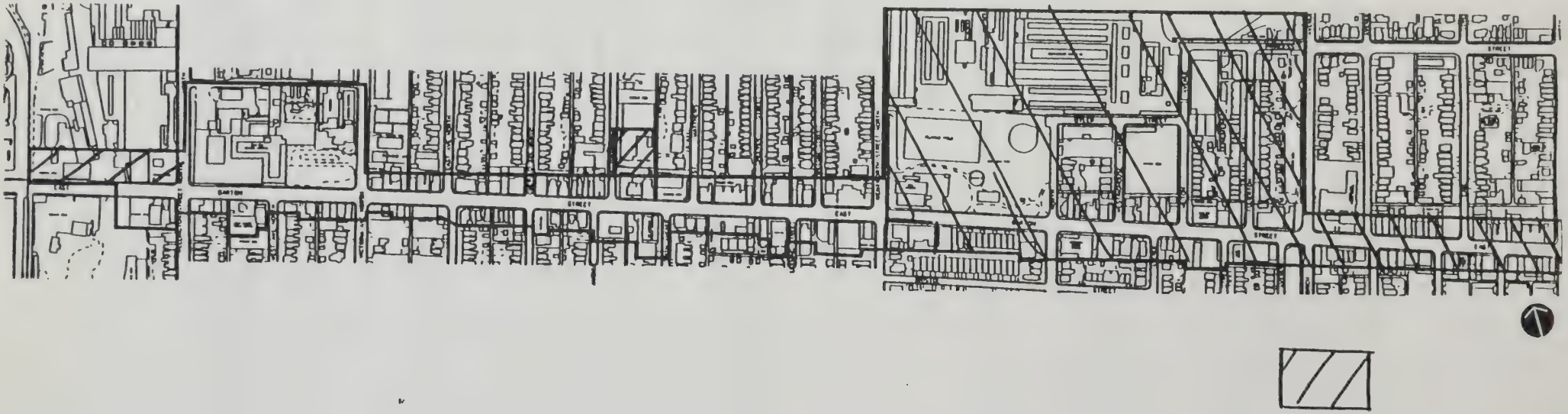
The Barton Village Community Improvement Project Area is within the Beasley, Landsdale and Gibson Neighbourhoods and is recognized as a major commercial strip. Improvements to the streetscape have been implemented by the City of Hamilton including, but not limited to, the widening of sidewalks, installation of planted medians and the installation of banners.

The visual appearance of the area could also be enhanced through the upgrading of existing building fronts and interiors. It is recognized that such improvements not only increase the attractiveness of the area, but also assist in putting forward a positive commercial image.

To encourage individual owners of buildings to renovate, loans and grants are available from the Municipality under this plan through the Barton Street Revitalization Program and the Commercial Property Improvement Loan Program in accordance with the guidelines attached as Appendix B.

APPENDIX 'A'

BARTON GENERAL COMMUNITY IMPROVEMENT PROJECT AREA



THE BARTON STREET REVITALIZATION PROJECT AND THE COMMERCIAL PROPERTY IMPROVEMENT LOAN PROGRAM

LOAN GUIDELINES

1. Upon receipt of a satisfactory application which meets the criteria of the loan program set out herein, loans may be made by the City for a term not exceeding ten (10) years, at an interest rate of one-half of the City's prime borrowing rate, amortized for a maximum period of ten years (open).

   The interest rate shall be established at time of loan approval. Interest shall commence to run after the Interest Adjustment Date (I.A.D.) namely, the first of the month following full advancement of the loan. Repayment of loans shall be monthly but open to full repayment at any time without notice or penalty.

2. These loans are solely intended for the owners of lands within the said designated Community Improvement Project Area where the owners' lands are used for non-residential commercial purposes which, in the opinion of the City,

   (a) are intended for the eligible improvements and expenses contemplated in the corresponding Plan.

   (b) fulfil the objectives of the City expressed in the corresponding Plan.

   (c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.

3. While businesses which are tenants are not, according to the Planning Act, eligible for loans and grants provided for in the Plan attached, loans to eligible property owners for improvements which will also benefit business tenants are provided for in the Plan.

4. Loans may be made to an owner of a non-residential commercial property not exceeding the sum of $15,000. in respect of the cost of eligible facade and exterior renovations to each separate location of the owner's property specially assessed or specially assessable for a levy payable to the Board of Management of the Barton Village Business Improvement Area. These loans are subject to a maximum limit of $45,000. (3 units, $15,000. each) for each deeded property of the owner.

5. Loans may be made to an owner of a non-residential commercial property not exceeding the sum of $10,000. in respect of the cost of eligible interior improvements to each separate location of the owner or of a tenant under lease from the owner, specially assessed or specially assessable for a levy payable to the Board of Management of the Barton Village Business Improvement Area, subject to,

   (a) a loan maximum of $30,000. for each deeded property of the owner;

   (b) the tenant, if any, accepting in writing the proposed interior improvements.

6. Loans may be made to an owner of a non-residential property not exceeding the sum of $5,000. in respect of the cost of eligible exterior and facade improvements and to repair deficiencies in compliance with health, safety, or property standards. This loan is at the discretion of Council where approved, may be concurrent with or in addition to the maximum permitted loans specified in sections 4 and 5. This loan shall be unsecured and not registered on title. Section 11 (b) (ii) and 11 (b) (iii) shall not apply to this loan.

   Where this community improvement loan is the subject of a grant provided for in section 13 of these guidelines, the grant to the owner to pay down the principal of this loan shall not exceed $2,500. and shall be advanced as follows:

   (a) $1,500. as of the completion of construction as confirmed by the Building Department; and,

   (b) $1,000. (or the balance of the grant), one year following the first advance;

   (c) Section 16 (a) on advancement of section 13 grants shall not apply.

7. Loans may be for the following types of improvements and their related expenses:

   - exterior building envelope;
   - major building systems, including roof, wiring, plumbing, heating;
   - interior fixtures, including partitions;
   - interior decorating, including lighting, painting, wallpaper, etc.;
   - built-in showcases, freezers, special plumbing, etc.;
   - exterior/interior signage;
   - related professional fees (architects, engineers, appraisers, lawyers, etc.) and the application fee of the greater of 1.5% of the loan or $200.;
   - such other loan program administrative fees fixed by Council from time to time.

Loans shall be advanced only in respect of completed work which has been inspected by the City.

Loans may not be made for expenses such as chattels, (i.e. tables, chairs, cash registers) nor shall loans be made for rental/owner occupied residential accommodation.

8. The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department. Deficiencies shall qualify for a loan in advance of facade improvements (store fronts, aesthetics, signage etc.).

9. The owner will obtain two estimates for all eligible improvements after the City's inspection of the building. Where an owner personally carries out the work, only the cost of materials is eligible for a loan, upon receipt of invoices.

10. A report by the Building Department (Housing and Loans Division) on each loan will be made to the Planning and Development Committee and Council for approval. The recommendation of the Board of Management of the Barton Village B.I.A. will be received in respect of the exterior improvement portion of the loan applications.

11. (a) Each borrower shall give the City a promissory note in respect of each loan; and

(b) As security for repayment of the loan made by the City, the borrower shall:

(i) where the borrower is a limited company, provide the City with the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the corporate borrower to borrow the loan and give the loan security to the City;

(ii) consent to a City Lien being registered on title to the property being improved in which the property owner must have at least 20% equity, after covering outstanding property encumbrances, not including the amount of the City's loan;

(iii)where an owner has less than 20% equity in the property being improved,

(1) the owner may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the City Solicitor; and

(2) the owner may provide the City with a guarantee from another person, provided the guarantee is secured by a mortgage on the Guarantor's property that meets the City's equity requirements and the Guarantor's lawyer prepares and certifies the guarantee and the collateral mortgage to the City, at the owner's expense, in a form satisfactory to the City Solicitor;

(iv) keep in good standing business taxes, realty taxes and B.I.A. levies.

12. Upon sale of the property improved by the loan, the loan/lien is due and payable in full to the City unless the new owner of the property meets the lending criteria and assumes the original terms and conditions of the loan.

Upon sale of a property which secures by a collateral mortgage repayment of a loan, the loan is due and payable in full to the City.

13. Repayment of loans to the City shall be monthly but open to full repayment at any time without notice or penalty.

GRANT GUIDELINES:

14. Grants may be made to recipients of loans under this Community Improvement Plan for a sum of up to 1/2 of the outstanding loan principal of such loans for the purpose of paying for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the Community Improvement Plan. Where the loan is less than $5,000., pursuant to section 6 of these guidelines, such grant may be for a sum equal to the amount of the loan principal.

15. Grants may also be made to recipients of loans under this Community Improvement Plan to cover the cost of Building Permit fees, Committee of Adjustment Applications and/or property compliance reports payable to the City, where these costs are incurred in respect of rehabilitating such lands and buildings in conformity with the Community Improvement Plan.

16. Conditions of Grants:

a) The following accounts of grant recipients must be in good standing, prior to payment of any grant, unless the recipient directs the City in writing to apply the grant towards the amounts owing on any such account:

(i) the commercial loan repayments and interest thereon;

(ii) realty taxes on the property being improved;

(iii) business taxes; and,

(iv) B.I.A. levy;

b) Grants are available to recipients of loans under this Community Improvement Plan for rehabilitating their lands and buildings within the Barton Village Business Improvement Area and the said Community Improvement Project Area;

c) The maximum grants available to an owner(s) for each deeded property of the owner(s) shall not exceed $30,000.

d) Grant instalments will be advanced from the City by the direct paying down of principal in a Commercial Property Improvement Loan Program borrowers' loan acount in three (3) instalments, in the 15:15:20 ratio, as follows:

(i) 15% of the loan amount at the time of construction completion as recorded by a Building Department Inspector;

(ii) 15% of the original loan amount on the anniversary date of the first advance; and,

(iii) 20% on the anniversary date of the second advance.

2.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 March 17 MAR 1 3 1998

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo, Commissioner
Department of Public Works and Traffic

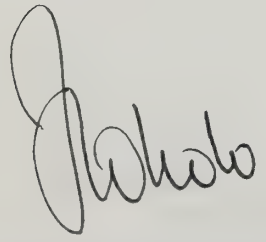
SUBJECT: Main Street West Community Improvement Plan (C.I.P.) for the Expanded Area of the Main Street West Community Improvement Project Area (C.I.P.A.).

RECOMMENDATION:

a) That the Main Street West Community Improvement Plan for the expanded area of the Main Street West Community Improvement Project Area, attached as Appendix 'A' be adopted, in order to implement the Commercial Property Improvement Loan Program; and,

b) That the Main Street West Community Improvement Plan for the expanded area of the Main Street West Community Improvement Project Area be submitted to the Ministry of Municipal Affairs and Housing for the appropriate approval; and,

c) That the City Solicitor be authorized and directed to prepare the requisite By-law for (a) above.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The Commercial Property Improvement Loan Program will be administered by the Loans Division of the Building Department and extended to property owners of commercial buildings for rehabilitation to the interior and exterior of properties within the extended area of the Main Street West C.I.P.A. The Program will be funded by the City of Hamilton.

BACKGROUND:

In accordance with The Planning Act, Section 28, the City of Hamilton must designate a Community Improvement Project Area (C.I.P.A.) and create a corresponding Community Improvement Plan (C.I.P.) in order to offer loans to property owners.

In 1988 the City of Hamilton undertook an initiative to administer the Commercial Property Improvement Program, a program that offers loans to property owners within specific geographic boundaries for improvements to facades and interiors of commercial buildings.

The Main Street West Business Improvement Area (B.I.A.) was identified as an area for improvement, therefore the Main Street West C.I.P.A. was subsequently designated under By-law No. 90-270 and the corresponding Main Street West C.I.P. was adopted through By-law No. 90-299. The appropriate Ministerial approval was granted in accordance with the Planning Act, 1990, Section 28. Consequently, modifications were made to the eligibility criteria for the Commercial Property Improvement Loan Program and reflected in amendments to the Main Street West C.I.P. adopted through By-law No. 96-035.

The Main Street West B.I.A. recently expanded its boundaries. Therefore the Main Street West C.I.P.A. was subsequently amended to delineate the enlarged geographic boundaries and was designated by By-law No. 98-039. In order to be able to offer loans to commercial property owners within the expanded area of the Main Street West C.I.P.A., staff have created the Main Street West C.I.P. for the expanded area of the Main Stret West C.I.P.A.

DL:HM:hm
P&DMain.PMCIP

c.c. Ms. J. Morrison, Co-Chair Main Street West B.I.A.
Mr. M. Gunn, Co-Chair Main Street West B.I.A.
Alderman M. Kiss
Alderman M. Caplan
Mr. L. King, Building Commissioner, Building Dept., Attn: Mr. M. Mascarenhas
Ms. P. Noé Johnson, City Solicitor, Law Dept., Attn: Mr. A. Zuidema
Mr. D. Lobo, Commissioner of Public Works & Traffic, Attn: Ms. J. Pacey

APPENDIX 'A'

THE MAIN STREET WEST COMMUNITY IMPROVEMENT PLAN FOR THE EXPANDED AREA OF THE MAIN STREET WEST COMMUNITY IMPROVEMENT PROJECT AREA

1998 February

THE MAIN STREET WEST COMMUNITY IMPROVEMENT PLAN FOR THE EXPANDED AREA OF THE MAIN STREET WEST COMMUNITY IMPROVEMENT PROJECT AREA

PREFACE:

The Main Street West Community Improvement Project Area was originally designated by By-law 90-270. The Area was subsequently expanded by By-law 98-039.
The geographic areas delineated by both By-laws 90-270 and 98-039 are the subject of a Community Improvement Plan passed 1990 October 30.

By-law 98-039 has further enlarged the geographic area of the Main Street West Community Improvement Project Area.

PURPOSE:

This Community Improvement Plan is intended to apply to the expanded geographic area of the Main Street West Community Improvement Project Area as set out in By-law 98-039 and is more particularly shown on Appendix A.

Rather than being focused on large scale redevelopement, this Community Improvement Plan focuses on rehabilitation and the updating of existing facades and interiors.

This Community Improvement Plan does not replace the existing Community Improvement Plan for the geographic areas delineated by both By-laws 90-270 and 98-039.

ASSISTANCE FOR THE EXPANDED AREA:

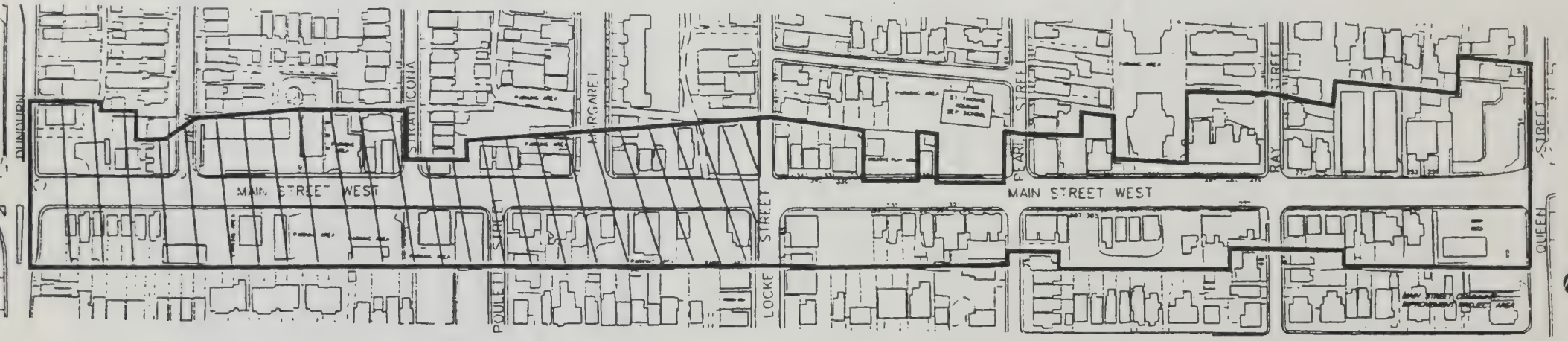
Main Street West is a major commercial strip within the Kirkendall North Neighbourhood. Improvements to the streetscape have been implemented by the City of Hamilton including, but not limited to, the reconstruction of sidewalks and roadways and the installation of banners and streetblades.

The visual appearance of the area could also be enhanced through the upgrading of existing building fronts and interiors. It is recognized that such improvements not only increase the attractiveness of the area, but also assist in putting forward a positive commercial image.

To encourage individual owners of buildings to renovate, loans are available from the Municipality under this plan through the Commercial Property Improvement Loan Program in accordance with the guidelines attached as Appendix B.

APPENDIX "A"

MAIN STREET WEST COMMUNITY IMPROVEMENT PROJECT AREA



EXPANDED BOUNDARIES

COMMERCIAL PROPERTY IMPROVEMENT LOAN PROGRAM

GUIDELINES

1. Upon receipt of a satisfactory application which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at an interest rate of one-half of the City's prime borrowing rate, amortized for a maximum period of ten years.

   The interest rate shall be established at time of loan approval. Interest shall commence to run after the Interest Adjustment Date (I.A.D.) namely, the first of the month following full advancement of the loan. Repayment of loans shall be monthly but open to full repayment at any time without notice or penalty.

2. These loans are solely intended for the owners of lands within the said designated Community Improvement Project Area where the owners' lands are used for non-residential commercial purposes which, in the opinion of the City,

   (a) are intended for the eligible improvements and expenses contemplated in the corresponding Plan.

   (b) fulfil the objectives of the City expressed in the corresponding Plan.

   (c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.

3. While businesses which are tenants are not, according to the Planning Act, eligible for loans provided for in the Plan attached, loans to eligible property owners for improvements which will also benefit business tenants are provided for in the Plan.

4. Loans may be made to an owner of a non-residential commercial property not exceeding the sum of $15,000. in respect of the cost of eligible facade and exterior renovations to each separate location of the owner's property specially assessed or specially assessable for a levy payable to the Board of Management of the respective Business Improvement Area. These loans are subject to a maximum limit of $45,000. (3 units, $15,000. each) for each deeded property of the owner per twelve month period from the date of Council approval of the last previous loan(s).

5. Loans may be made to an owner of a non-residential commercial property not exceeding the sum of $10,000. in respect of the cost of eligible interior improvements to each separate location of the owner or of a tenant under lease from the owner, specially assessed or specially assessable for a levy payable to the Board of Management of the respective Business Improvement Area, subject to,

(a) a loan maximum of $30,000. for each deeded property of the owner per twelve month period from the date of Council approval of the last previous loan(s); and,

(b) the tenant, if any, accepting in writing the proposed interior improvements.

6. Loans may be for the following types of improvements and their related expenses:

- exterior building envelope;
- major building systems, including roof, wiring, plumbing, heating;
- interior fixtures, including partitions;
- interior decorating, including lighting, painting, wallpaper, etc.;
- built-in showcases, freezers, special plumbing, etc.;
- exterior/interior signage;
- related professional fees (architects, engineers, appraisers, lawyers, etc.) and the application fee of the greater of 1.5% of the loan or $200.;
- such other loan program administrative fees fixed by Council from time to time.

Loans shall be advanced only in respect of completed work which has been inspected by the City.

Loans may not be made for expenses such as chattels, (such as tables, chairs, cash registers) nor shall loans be made for rental/owner occupied residential accommodation.

7. The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department. Deficiencies shall qualify for a loan in advance of facade improvements (store fronts, aesthetics, signage etc.).

8. The owner will obtain two estimates for all eligible improvements after the City's inspection of the building. Where an owner personally carries out the work, only the cost of materials is eligible for a loan, upon receipt of invoices.

9. A report by the Building Department (Housing and Loans Division) on each loan will be made to the Planning and Development Committee and Council for approval. The recommendation of the Board of Management of the local B.I.A. will be received in respect of the exterior improvement portion of the loan applications.

10. (a) Each borrower shall give the City a promissory note in respect of each loan; and

(b) As security for repayment of the loan made by the City, the borrower shall:

(i) where the borrower is a limited company, provide the City with the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the corporate borrower to borrow the loan and give the loan security to the City;

(ii) consent to a City Lien being registered on title to the property being improved in which the property owner must have at least 20% equity, after covering outstanding property encumbrances, not including the amount of the City's loan;

(iii) where an owner has less than 20% equity in the property being improved,

(1) the owner may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the City Solicitor; and

(2) the owner may provide the City with a guarantee from another person, provided the guarantee is secured by a mortgage on the Guarantor's property that meets the City's equity requirements and the Guarantor's lawyer prepares and certifies the guarantee and the collateral mortgage to the City, at the owner's expense, in a form satisfactory to the City Solicitor;

(iv) keep in good standing business taxes, realty taxes and B.I.A. levies.

11. Upon sale of the property improved by the loan, the loan/lien is due and payable in full to the City unless the new owner of the property meets the lending criteria and assumes the original terms and conditions of the loan.

Upon sale of a property which secures by a collateral mortgage repayment of a loan, the loan is due and payable in full to the City.

3.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 March 17 MAR 1 3 1998

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: Downtown Hamilton Business Improvement Area's Community Improvement Plan (C.I.P.) for the Expanded Area of the Downtown Hamilton Business Improvement Area's Community Improvement Project Area (C.I.P.A.).

RECOMMENDATION:

a) That the Downtown Hamilton Business Improvement Area's Community Improvement Plan for the expanded area of the Downtown Hamilton Business Improvement Area's Community Improvement Project Area, attached as Appendix 'A' be adopted, in order to implement the Commercial Property Improvement Loan Program; and,

b) That the Downtown Hamilton Business Improvement Area's Community Improvement Plan for the expanded area of the Downtown Hamilton Business Improvement Area's Community Improvement Project Area, be submitted to the Ministry of Municipal Affairs and Housing for the appropriate approval; and,

c) That the City Solicitor be authorized and directed to prepare the requisite By-law for (a) above.

D. Lobo.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The Commercial Property Improvement Loan Program will be administered by the Loans Division of the Building Department and extended to property owners of commercial buildings for rehabilitation to the interior and exterior of properties within the extended area of the Downtown Hamilton Business Improvement Area's C.I.P.A. The Program will be funded by the City of Hamilton.

BACKGROUND:

In accordance with The Planning Act, Section 28, the City of Hamilton must designate a Community Improvement Project Area (C.I.P.A.) and create a corresponding Community Improvement Plan (C.I.P.) in order to offer loans to property owners.

In 1988 the City of Hamilton undertook an initiative to administer the Commercial Property Improvement Program, a program that offers loans to property owners within specific geographic boundaries for improvements to facades and interiors of commercial buildings.

The Downtown Hamilton Business Improvement Area (B.I.A.) was identified as an area for improvement, therefore the Downtown Hamilton Business Improvement Area C.I.P.A. was subsequently designated under By-law No. 94-186 and the corresponding Downtown Hamilton Business Improvement Area's C.I.P. was adopted through By-law No. 95-12. The appropriate Ministerial approval was granted in accordance with the Planning Act, 1990, Section 28. Consequently, modifications were made to the eligibility criteria for the Commercial Property Improvement Loan Program and reflected in amendments to the Downtown Hamilton Business Improvement Area's C.I.P. adopted through By-law No. 96-035.

The Downtown Hamilton B.I.A. recently expanded its boundaries. Therefore the Downtown Hamilton Business Improvement Area's C.I.P.A. was subsequently amended to delineate the enlarged geographic boundaries and was designated by By-law No. 98-040. In order to be able to offer loans to commercial property owners within the expanded area of the Downtown Hamilton Business Improvement Area's C.I.P.A., staff have created the Downtown Hamilton Business Improvement Area's C.I.P. for the expanded area of the Downtown Hamilton Business Improvement Area's C.I.P.A.

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c.c. Mr. C. Gorni, Executive Director, Downtown Hamilton B.I.A.
Alderman A. Horwath
Alderman R. Corsini
Mr. L. King, Building Commissioner, Building Dept., Attn: Mr. M. Mascarenhas
Ms. P. Noé Johnson, City Solicitor, Law Dept., Attn: Mr. A. Zuidema

APPENDIX 'A'

THE DOWNTOWN HAMILTON BUSINESS IMPROVEMENT AREA'S COMMUNITY IMPROVEMENT PLAN FOR THE EXPANDED AREA OF THE DOWNTOWN HAMILTON BUSINESS IMPROVEMENT AREA'S COMMUNITY IMPROVEMENT PROJECT AREA

1998 February

THE DOWNTOWN HAMILTON BUSINESS IMPROVEMENT AREA'S COMMUNITY IMPROVEMENT PLAN FOR THE EXPANDED AREA OF THE DOWNTOWN HAMILTON BUSINESS IMPROVEMENT AREA'S COMMUNITY IMPROVEMENT PROJECT AREA

PREFACE:

The Downtown Hamilton Business Improvement Area's Community Improvement Project Area was originally designated by By-law 94-186. The Area was subsequently expanded by By-law 98-040. The geographic areas delineated by both By-laws 94-186 and 98-040 are the subject of a Community Improvement Plan passed 1994 December 13.

By-law 98-040 has further enlarged the geographic area of the Downtown Hamilton Business Improvement Area's Community Improvement Project Area.

PURPOSE:

This Community Improvement Plan is intended to apply to the expanded geographic area of the Downtown Hamilton Business Improvement Area's Community Improvement Project Area as set out in By-law 98-040 and is more particularly shown on Appendix A.

Rather than being focused on large scale redevelopement, this Community Improvement Plan focuses on rehabilitation and the updating of existing facades and interiors.

This Community Improvement Plan does not replace the existing Community Improvement Plan for the geographic areas delineated by both By-laws 94-186 and 98-040.

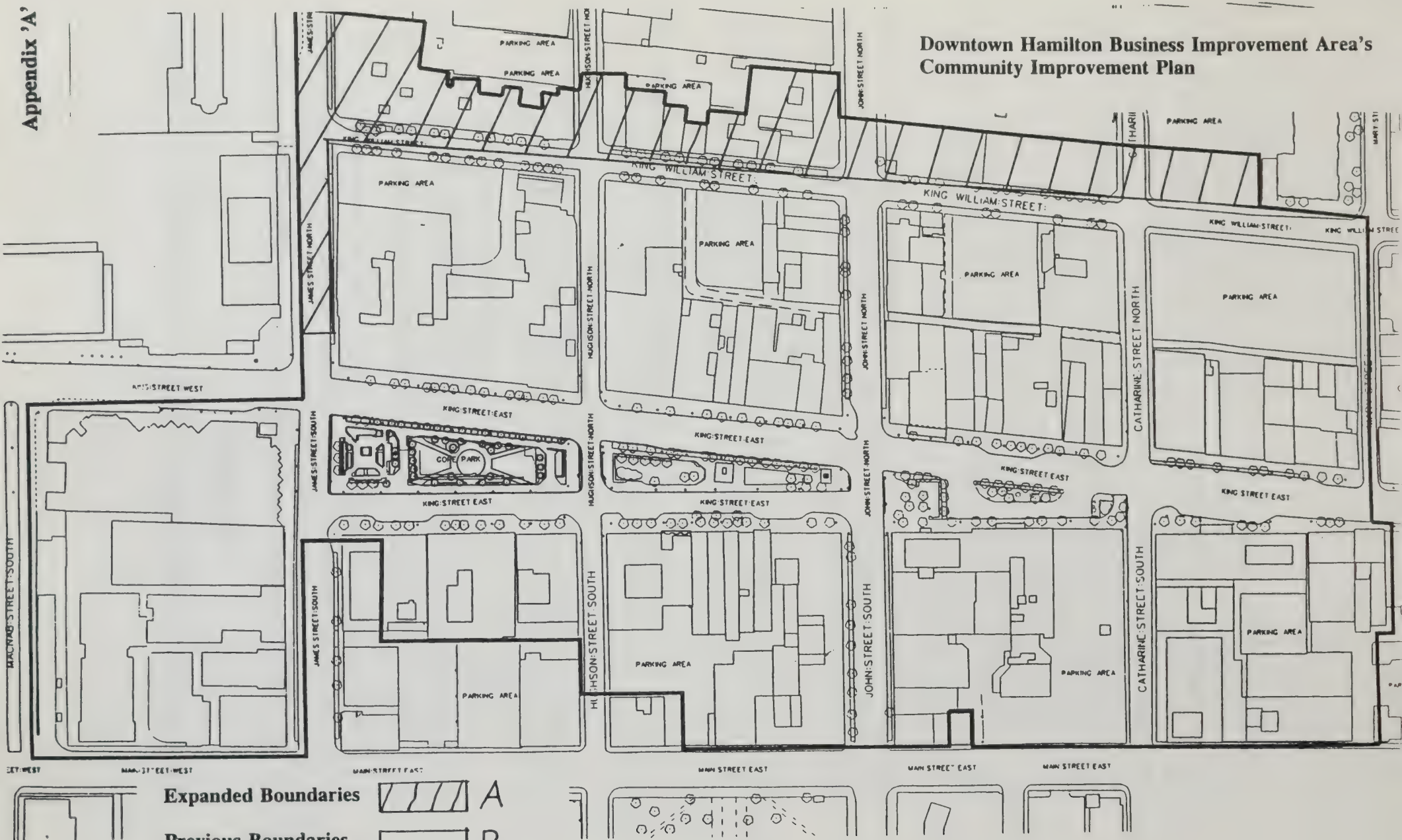
ASSISTANCE FOR THE EXPANDED AREA:

The area encompassed within the Downtown Hamilton Business Improvement Area's Community Improvement Project Area falls within the Central Policy Area as per the City of Hamilton's Offical Plan. Accordingly it is promoted as a multi-use node by creating an attractive environment in which to live, work, do business shop or visit. Improvements to the streetscape have been implemented by the City of Hamilton including, but not limited to, improved lighting, installation of benches, urban braille, ground level planting.
The visual appearance of the area could also be enhanced through the upgrading of existing building fronts and interiors. It is recognized that such improvements not only increase the attractiveness of the area, but also assist in putting forward a positive commercial image.

To encourage individual owners of buildings to renovate, loans are available from the Municipality under this plan through the Commercial Property Improvement Loan Program in accordance with the guidelines attached as Appendix B.

Appendix 'A'

Downtown Hamilton Business Improvement Area's Community Improvement Plan



COMMERCIAL PROPERTY IMPROVEMENT LOAN PROGRAM

GUIDELINES

1. Upon receipt of a satisfactory application which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at an interest rate of one-half of the City's prime borrowing rate, amortized for a maximum period of ten years.

   The interest rate shall be established at time of loan approval. Interest shall commence to run after the Interest Adjustment Date (I.A.D.) namely, the first of the month following full advancement of the loan. Repayment of loans shall be monthly but open to full repayment at any time without notice or penalty.

2. These loans are solely intended for the owners of lands within the said designated Community Improvement Project Area where the owners' lands are used for non-residential commercial purposes which, in the opinion of the City,

   (a) are intended for the eligible improvements and expenses contemplated in the corresponding Plan.

   (b) fulfil the objectives of the City expressed in the corresponding Plan.

   (c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.

3. While businesses which are tenants are not, according to the Planning Act, eligible for loans provided for in the Plan attached, loans to eligible property owners for improvements which will also benefit business tenants are provided for in the Plan.

4. Loans may be made to an owner of a non-residential commercial property not exceeding the sum of $15,000. in respect of the cost of eligible facade and exterior renovations to each separate location of the owner's property specially assessed or specially assessable for a levy payable to the Board of Management of the respective Business Improvement Area. These loans are subject to a maximum limit of $45,000. (3 units, $15,000. each) for each deeded property of the owner per twelve month period from the date of Council approval of the last previous loan(s).

5. Loans may be made to an owner of a non-residential commercial property not exceeding the sum of $10,000. in respect of the cost of eligible interior improvements to each separate location of the owner or of a tenant under lease from the owner, specially assessed or specially assessable for a levy payable to the Board of Management of the respective Business Improvement Area, subject to,

(a) a loan maximum of $30,000. for each deeded property of the owner per twelve month period from the date of Council approval of the last previous loan(s); and,

(b) the tenant, if any, accepting in writing the proposed interior improvements.

6. Loans may be for the following types of improvements and their related expenses:

- exterior building envelope;
- major building systems, including roof, wiring, plumbing, heating;
- interior fixtures, including partitions;
- interior decorating, including lighting, painting, wallpaper, etc.;
- built-in showcases, freezers, special plumbing, etc.;
- exterior/interior signage;
- related professional fees (architects, engineers, appraisers, lawyers, etc.) and the application fee of the greater of 1.5% of the loan or $200.;
- such other loan program administrative fees fixed by Council from time to time.

Loans shall be advanced only in respect of completed work which has been inspected by the City.

Loans may not be made for expenses such as chattels, (such as tables, chairs, cash registers) nor shall loans be made for rental/owner occupied residential accommodation.

7. The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department. Deficiencies shall qualify for a loan in advance of facade improvements (store fronts, aesthetics, signage etc.).

8. The owner will obtain two estimates for all eligible improvements after the City's inspection of the building. Where an owner personally carries out the work, only the cost of materials is eligible for a loan, upon receipt of invoices.

9. A report by the Building Department (Housing and Loans Division) on each loan will be made to the Planning and Development Committee and Council for approval. The recommendation of the Board of Management of the local B.I.A. will be received in respect of the exterior improvement portion of the loan applications.

10. (a) Each borrower shall give the City a promissory note in respect of each loan; and

(b) As security for repayment of the loan made by the City, the borrower shall:

(i) where the borrower is a limited company, provide the City with the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the corporate borrower to borrow the loan and give the loan security to the City;

(ii) consent to a City Lien being registered on title to the property being improved in which the property owner must have at least 20% equity, after covering outstanding property encumbrances, not including the amount of the City's loan;

(iii) where an owner has less than 20% equity in the property being improved,

(1) the owner may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the City Solicitor; and

(2) the owner may provide the City with a guarantee from another person, provided the guarantee is secured by a mortgage on the Guarantor's property that meets the City's equity requirements and the Guarantor's lawyer prepares and certifies the guarantee and the collateral mortgage to the City, at the owner's expense, in a form satisfactory to the City Solicitor;

(iv) keep in good standing business taxes, realty taxes and B.I.A. levies.

11. Upon sale of the property improved by the loan, the loan/lien is due and payable in full to the City unless the new owner of the property meets the lending criteria and assumes the original terms and conditions of the loan.

Upon sale of a property which secures by a collateral mortgage repayment of a loan, the loan is due and payable in full to the City.

4.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 March 17 MAR 1 8 1998
(SS-UEC)

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Downtown Hamilton Community Improvement Plan Amendments

RECOMMENDATION:

That the Downtown Hamilton Community Improvement Plan be amended, on the following basis:

i) Section 4.e): Add the word "entertainment" after the word "cultural" in the second line so that the entire clause now reads: "to promote the continued development of the Downtown as the primary business, office, cultural, entertainment, and administrative centre for the City and Region."

ii) That the following be added as Section 5.1:

5.1 REGENERATION STRATEGIES

a) municipal land acquisition for the purposes of redevelopment of lands within the Community Improvement Project Area;

b) disposition, including sale, lease, or otherwise, of municipal land within the Community Improvement Project Area for the purpose of achieving the goals and objectives of this Plan;

c) soliciting interest and participation from private or public/private development corporations for redevelopment opportunities for municipal and non-municipal land or land disposition including sale, lease, or

otherwise, which may include the following methods: requests for proposals, expressions of interest, requests for qualifications;

d) the criteria to guide decisions with regard to redevelopment within the Community Improvement Project Area in order to achieve the goals and objectives of this plan shall include, but not be limited to, the following:

   i) improvement of downtown Hamilton as the primary business, office, cultural, entertainment, and administrative centre for the City and the Region;

   ii) improvement of the streetscape, provision of a street presence, and street level pedestrian focus for redevelopment;

   iii) contribution to the economic growth of downtown Hamilton;

   iv) rehabilitation of existing buildings, where appropriate;

   v) municipal financial risk and exposure to loss are minimized;

   vi) securing of appropriate businesses to be located in Downtown Hamilton to contribute to the economic viability of the area;

e) the City may provide relief from fees, levies, and charges associated with redevelopment;

f) other strategies consistent with the goals and objectives of this Plan.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

At its meeting of March 4, 1998, the Planning and Development Committee adopted the recommendations of the Planning and Development Department respecting the development of a family entertainment centre in downtown Hamilton. Included in the recommendations was direction to prepare an amendment to the Downtown Hamilton Community Improvement Plan to incorporate "entertainment" as one of the goals in the Plan.

COMMENTS:

1. There are two amendments proposed for the Downtown Hamilton Community Improvement Plan. Each is described below.

   i) The first amendment is to include the word "entertainment" in the goals of the plan so that entertainment uses are explicitly identified in the plan. This will allow Council to undertake the regeneration strategies (which are the second part of this amendment) for entertainment uses.

   ii) The second part of the amendment incorporates various regeneration strategies for downtown Hamilton. These are:

      a) municipal land acquisition for the purposes of redevelopment of lands within the Community Improvement Project Area;

      b) disposition, including sale, lease, or otherwise, of municipal land within the Community Improvement Project Area for the purpose of achieving the goals and objectives of this Plan;

      c) soliciting interest and participation from private or public/private development corporations for redevelopment opportunities for municipal and non-municipal land or land disposition including sale, lease, or otherwise, which may include the following methods: requests for proposals, expressions of interest, requests for qualifications;

      d) the criteria to guide decisions with regard to redevelopment within the Community Improvement Project Area in order to achieve the goals and objectives of this plan shall include, but not be limited to, the following:

         i) improvement of downtown Hamilton as the primary business, office, cultural, entertainment, and administrative centre for the City and the Region;

         ii) improvement of the streetscape, provision of a street presence, and street level pedestrian focus for redevelopment;

         iii) contribution to the economic growth of downtown Hamilton;

         iv) rehabilitation of existing buildings, where appropriate;

         v) municipal financial risk and exposure to loss are minimized;

         vi) securing of appropriate businesses to be located in Downtown Hamilton to contribute to the economic viability of the area;

e) the City may provide relief from fees, levies, and charges associated with redevelopment;

f) other strategies consistent with the goals and objectives of this Plan.

These strategies will allow Council to promote more actively the downtown area. The regeneration strategies provide a variety of mechanisms for Council to undertake regeneration, including public-private partnerships; land acquisition; land sale; relief from development fees; and other appropriate means.

2. The amendments to the Downtown Hamilton Community Improvement Plan can be supported on the following basis:

i) urban entertainment centres can contribute to downtown revitalization by establishing a destination in downtown;
ii) there are opportunities to establish linkages with existing retail, cultural, and sports facilities within downtown; and,
iii) entertainment uses and the regeneration strategies will allow the City to promote downtown Hamilton for entertainment uses.

3. The amendments to the Community Improvement Plan require the approval of the Minister of Municipal Affairs and Housing. Once adopted by Council, these amendments will be forwarded to the Ministry for approval.

MLT/

cc: T. Whitehead, Mayor's Office
D. Powers, Law Department

5.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 March 17 MAR 1 1998
ZAC-97-39
Jerome Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for An Official Plan Amendment and a change in zoning - Front portion of No. 1317 Upper James Street.

RECOMMENDATION:

(a) That approval be given to Official Plan Amendment No. to redesignate the rear portion of the lands located at the front of No. 1317 Upper James Street from "Residential" to "Commercial" and to redesignate the entire subject lands from "Special Policy Area 31a" to "Special Policy Area 31", as shown on the attached APPENDIX "B", and that the Director of Planning and Development be directed to prepare the By-law of Adoption in accordance with Section 22 of the Planning Act, for submission to the Regional Municipality of Hamilton-Wentworth.

(b) That approval be given to Zoning Application 97-39, Hampshire Properties Limited, owner, for a change in zoning from "CR-1" (Commercial - Residential) District to "HH" (Restricted Community Shopping and Commercial) District, modified, to permit commercial development for lands located at the front of No. 1317 Upper James Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the subject lands be rezoned from "CR-1" (Commercial - Residential) District, modified, to "HH" (Restricted Community Shopping and Commercial) District, modified;

ii) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A. of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances, as special requirements:

1) Notwithstanding Section 14A(3)(a), a front yard depth of at least 24 m shall be provided and maintained;

2) A landscaped planting strip having a minimum width of 6.0 m shall be provided and maintained along the entire easterly lot line of the "HH" District, where it abuts a residential district;

3) That a visual barrier not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the entire easterly lot line of the "HH" District, where it abuts a residential district; and

4) That a minimum 3.0 m wide landscaped planting strip shall be provided and maintained along the entire westerly lot line, except for any area used for driveway access.

iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-9C be notated S- ;

iv) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-9C for presentation to City Council;

v) That the proposed modification in zoning will be in conformity with the City of Hamilton Official Plan upon approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth.

(c) That upon finalization of the implementing By-law, the Jerome Neighbourhood Plan be amended by redesignating the subject lands from "Commercial and Apartments" to "Commercial".

EXPLANATORY NOTE:

The purpose of the proposed Official Plan Amendment is to redesignate the rear portion of the lands located at the front of No. 1317 Upper James Street, from "Residential" to "Commercial" and to redesignate the entire subject lands from "Special Policy Area 31a" to "Special Policy Area 31", as shown on the attached map marked as APPENDIX "B".

The purpose of the by-law is to provide for a change in zoning from "CR-1" (Commercial - Residential) District, modified, to "HH" (Restricted Community Shopping and Commercial) District, modified, for lands located at No. 1317 Upper James Street, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit development of the subject lands for commercial purposes.

In addition, the by-law provides the following variances as special requirements:

- A front yard depth of at least 24 m shall be provided, whereas the By-law requires a front yard depth of 12 m;

- A landscape planting strip having a minimum width of 6.0 m shall be provided and maintained along the entire easterly lot line of the "HH" District, where it abuts a residential district;

- A visual barrier not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the entire easterly lot line of the "HH" District, where it abuts a residential district; and

- A minimum 3.0 m wide landscaped planting strip shall be provided and maintained along the entire westerly lot line, except for any area used for driveway access.

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The subject lands, the front of No. 1317 Upper James Street (see APPENDIX "A"), are currently zoned "CR-1" (Commercial - Residential) District, which is intended for mixed commercial and residential development. However, the applicant does not wish to pursue mixed residential/commercial development. The application is to rezone the lands to "HH" (Restricted Community Shopping and Commercial) District, modified, to permit highway type commercial development.

The rear lands of 1317 Upper James Street have approval for a draft plan of subdivision (25T-88035) for residential development. Once this subdivision is registered, the subject lands at the front of 1317 Upper James, will be severed from the rear lands.

- Land Severance Application B-97-111 - 1289 Upper James Street

On October 15, 1997, the Committee of Adjustment granted a land severance application for the lands immediately to the north of the subject lands, known as 1289 Upper James Street. The purpose of the application is to sever a 15.24 m wide, 79.792 m deep, parcel of land, and merge

it with the subject lands, 1317 Upper James Street. The conveyance will increase the area of the subject lands by 1,216 m^2, for a total site area of 9,774.11 m^2. The severance is final and binding and all conditions have been met.

The lands at 1289 Upper James Street, including the parcel to be merged with 1317 Upper James Street, were the subject of a recent Official Plan amendment and rezoning application. Official Plan Amendment No. 142 (approved February 10, 1997) redesignated the rear portion of the lands from "Residential" to "Commercial" and added the lands to "Special Policy Area 31". Zoning By-law No. 98-22 rezoned the lands from "C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District, modified. The applicant's intent is to rezone the subject lands, to provide for consistent "HH" District zoning on both parcels of land.

APPLICANT:

Hampshire Properties Limited, owner.

LOT SIZE AND AREA:

The subject lands are irregular in shape and have:

- 84.427 m (276.99 ft.) of lot frontage on Upper James Street;
- approximately 101.435 m (332.79 ft.) of lot depth; and,
- 0.856 ha (2.11 acres) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"CR-1" (Commercial - Residential) District
Surrounding Lands		
To the north	Vacant	"HH" (Restricted Community Shopping and Commercial) District, modified

To the south	commercial (gas station & restaurant) & vacant	"HH" (Restricted Community Shopping and Commercial) District, modified & "AA" (Agricultural) District
To the east	vacant	"C" (Urban Protected Residential, etc.) District
To the west	commercial (automobile dealership) & vacant	"G-3" (Public Parking Lots) District modified, "C" (Urban Protected Residential, etc.) District & "AA" (Agricultural) District, modified

OFFICIAL PLAN:

The front portion of the subject lands are designated "Commercial" on Schedule "A" - Land Use Concept of the Official Plan; however, the rear portion of the lands are designated "Residential". The proposed uses are not permitted within the "Residential" designation. In addition, the subject lands are designated "Special Policy Area 31a", which permits mixed "Commercial/Residential" uses. The proposal requires an Official Plan Amendment to redesignate the rear portion of the subject lands from "Residential" to "Commercial" and to redesignate the lands from "Special Policy Area 31a" to "Special Policy Area 31". "Special Policy Area 31" recognizes the lands along Upper James Street as a highway-oriented commercial area, which includes a diversity of retial and service uses catering not only to the travelling public, but to the daily needs of the adjacent neighbourhoods.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial and Apartments" by the Approved Jerome Neighbourhood Plan. The proposal requires an amendment to redesignate the lands "Commercial". In addition, the Neighbourhood Plan designates a 12 m wide sewer easement/walkway from Upper James Street to a proposed interior local road. A portion of the sewer easement/walkway is located along the southerly property line of the subject lands.

COMMENTS RECEIVED:

- The Traffic Division has advised that:

  "...we have reviewed this application and have no objections. The applicant should be advised that access to this site may be restricted by the placement of medians in the middle of Upper James Street."

- The Hamilton Region Conservation Authority and City of Hamilton Building Department have no comments or objections.

- The Regional Environment and Transportation Departments have advised that:

"(1) The designated road allowance width of Upper James Street is 36.58 m. In accordance with this designation, we recommend that as a condition of development approval that sufficient lands be dedicated to the Region for road widening purposes to establish the property line 18.29 m from the centreline of the original Upper James Street road allowance. According to our records, this road widening is 3.048 m in width along the entire frontage of the lands to be developed. Furthermore, a 3.048 m widening will also be required upon development of 1289 Upper James Street, the lands to the immediate north which will be acquired and added to the subject lands through Severance Application B-98:111. All zoning setbacks are to be taken from the widened limit of Upper James Street.

(2) We recommend that the subject lands be developed through site plan control at which time more detailed comments on grading, access, roadway improvements, etc. will be submitted.

(3) The applicant should be advised that any roadway improvements which may be required on Upper James Street, as a result of this development approval, may be at the expense of the applicant/owner.

(4) The applicant should be advised that the future widening and reconstruction of Upper James Street may include the construction of raised concrete median islands which may restrict access to the subject lands at some future date. Dependant on the site plan review, these access restrictions may be required as a condition of site plan/access approval.

(5) Any works which may occur within the Upper James Street road allowance, as widened must conform to the Region of Hamilton-Wentworth Roads Use By-law.

(6) According to our Survey Section the Region previously acquired a sewer easement shown as Part 3 on Reference Plan 62R-11781 and also shown as Part 17 on Reference Plan 62R-8726.

The approved neighbourhood plan also indicates that a public walkway is to be established within the 12 m easement. A portion of the walkway was dedicated to the City of Hamilton from lands service station and restaurant development to the south. We require as a condition of development approval that Part 3 on Reference Plan 62R-11781 be dedicated to the City of Hamilton for Public Walkway purposes and that the applicant either enter into an agreement, as

required, for the payment of their share of the walkway construction to the City or include the actual walkway construction, to City Hamilton standards, as part of the development approval. The applicant may wish to contact this office for further details."

COMMENTS:

1. The proposal does not comply with the Official Plan. An Official Plan Amendment is required to redesignate the rear portion of the subject lands from "Residential" to "Commercial" and to redesignate the lands from "Special Policy Area 31a" to "Special Policy Area 31".

2. The proposal does not comply with the Approved Jerome Neighbourhood Plan. A Neighbourhood Plan Amendment is required to redesignate the lands from "Commercial and Apartments" to "Commercial".

3. The proposal has merit and can be supported on the following basis:

   - The existing "CR-1" (Commercial - Residential) zoning would permit the lands to be developed for mixed residential/commercial uses or entirely for commercial uses. Therefore, similar uses could be established under the existing zoning, as may be established under the proposed "HH" (Restricted Community Shopping and Commercial) District.

   - The subject lands are located on a major arterial road, which is designated in the Official Plan as a highway commercial corridor.

   - The proposal would be consistent with established highway type commercial uses along Upper James Street. Also, the "HH" District zoning would be consistent with established zoning on adjacent lands to the north and south.

   - In accordance with the Approved Jerome Neighbourhood Plan, a 6 m wide landscaped buffer strip will be required along the easterly lot line where the lands abut future residential land uses. A visual barrier will also be required. In addition the lands are under Site Plan Control. Accordingly, appropriate measures will be taken to ensure compatibility of the commercial development with future residential uses to the east.

4. In accordance with Policy A.2.9.3.26 of the Official Plan Urban Design Guidelines for the Upper James Street corridor have been prepared, in connection with the Approved Jerome Neighbourhood Plan. In this regard, the following variances should be applied to the zoning amendment to implement the Urban Design Guidelines:

- A front yard depth of at least 24 m shall be provided and maintained;

- A landscaped planting strip having a minimum width of 6.0 m shall be provided and maintained along the entire easterly lot line of the "HH" District, where it abuts a residential district;

- A visual barrier not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the entire easterly lot line of the "HH" District, where it abuts a residential district; and

- A minimum 3.0 m wide landscaped planting strip shall be provided and maintained along the entire westerly lot line, except for any area used for driveway access.

5. The subject lands are under Site Plan Control. Site details such as grading, parking layout, access, landscaping, etc. will be reviewed through the Site Plan Control process.

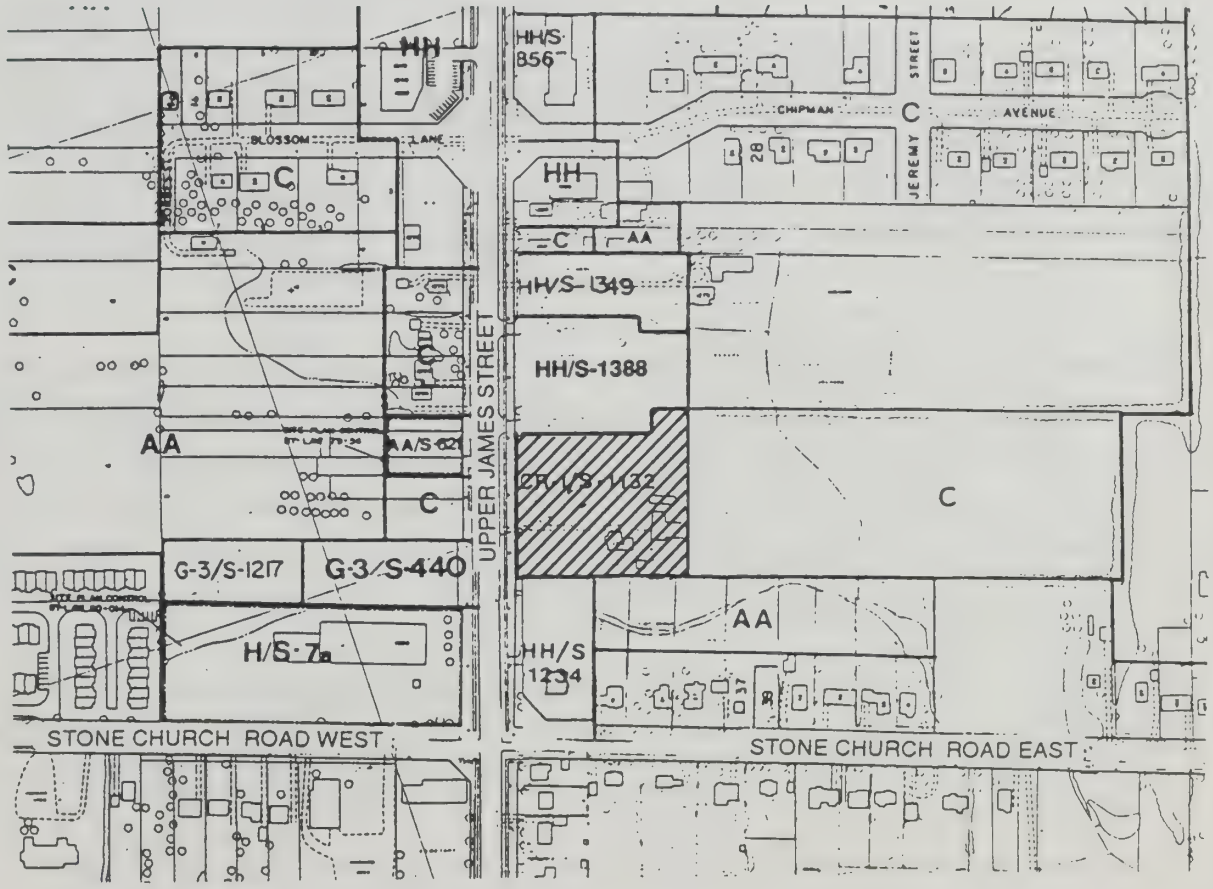
6. The Regional Transportation Department has advised that a 3.048 m road widening is required along Upper James Street. Dedication of the road widening should be imposed as a condition of Site Plan approval.

   Also, the Approved Jerome Neighbourhood Plan designates a 12 m (40 ft.) wide sewer easement/walkway from Upper James Street to a propose interior local road. A portion of the sewer easement/walkway is located along the southerly property line of the subject lands. The Transportation Department advises that the Region has acquired the sewer easement over the subject lands (shown as part 3 on reference plan 62R-11781). However, the portion of the walkway which is on the subject lands has not been dedicated to the City. Dedication of other portions of the walkway, on adjacent lands, have been required as conditions of development approvals for those lands. Accordingly, dedication of the required walkway should also be imposed as a condition of Site Plan approval.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

CL-M



City of Hamilton

Plan Showing Lands Subject to Site plan Control

Application ZAC-97-39

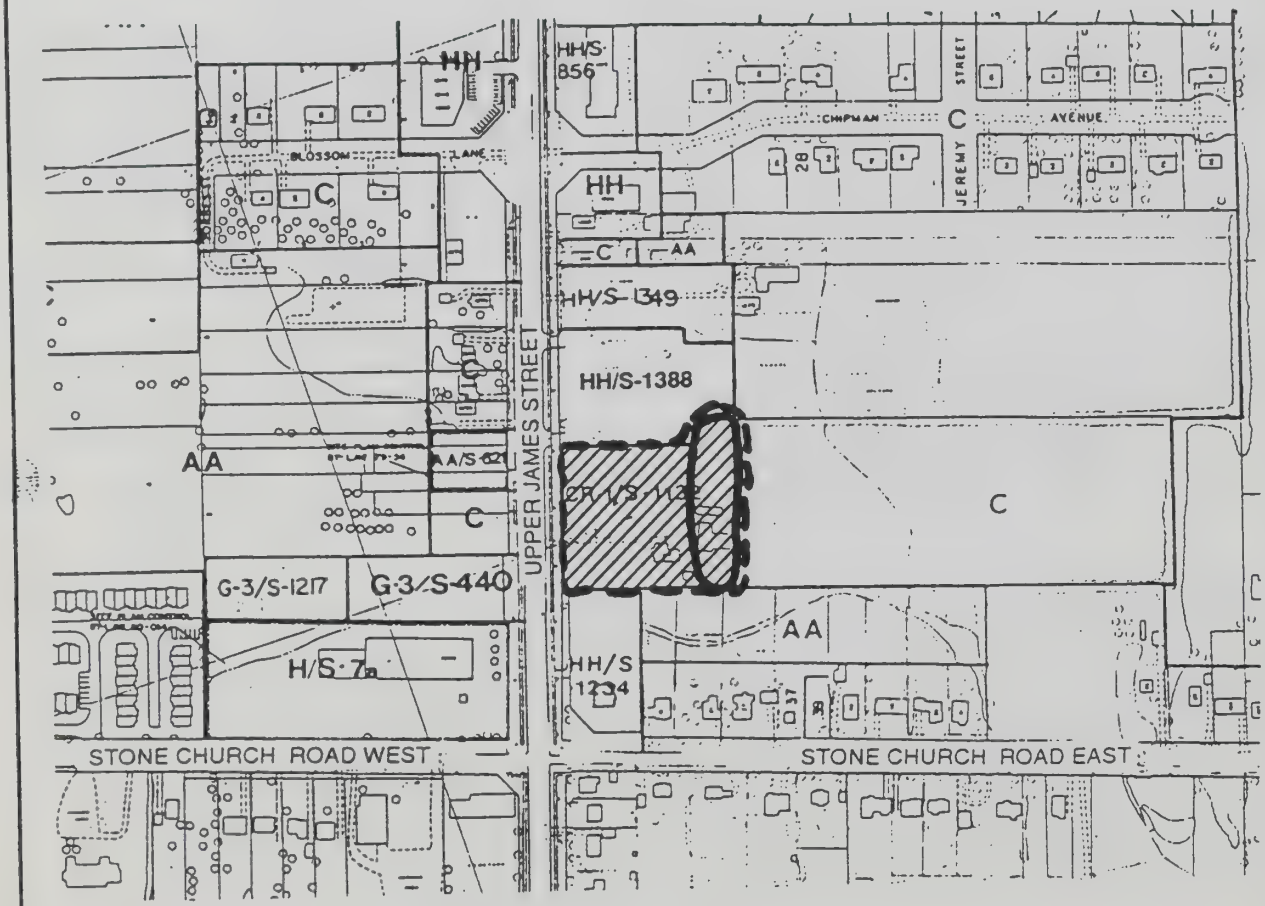
Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	Not to Scale	ZAC-97-39
	Date	Drawn By
	December 1997	F.A.

APPENDIX A



City of Hamilton

Plan Showing Lands Subject to Site plan Control

Application ZAC-97-39

Planning and Development Department

Legend

Lands to be redesignated from "Residential" to "Commercial"

Lands to be redesignated from "Special Policy Area 31a" to "Special Policy Area 31"

North	Scale	Reference File No.
	Not to Scale	ZAC-97-39
	Date	Drawn By
	December 1997	F.A.

APPENDIX B

5a)

Robert C. Dickson Ph.D., M.D.

111 Stone Church Road East
Hamilton, Ontario L9B 1A8

March 14, 1998

The Secretary, Planning and Development Committee,
City of Hamilton

MAR 1 1 1998

Re: File # ZAC-97-39 1317 Upper James Street Official Plan Amendment and Zoning Change

My wife and I , by our signatures below, wish to register our objection to the above application for both the Official Plan Amendment and the Proposed Change in Zoning. We request notification of decisions made (copy of this letter sent to the City Clerk, City of Hamilton).

1. A great deal of time, effort, consideration and expense have resulted in the current Official Plan and Neighbourhood Plan regarding the subject property. These guidelines should not lightly be changed at the whim of every developer who applies. It is important for our community to restrict the conversion of residential property to commercial in order to maintain an acceptable environment in proximity to dwellings. The noise, heat, traffic and pollution which stem from commercial properties on Upper James Street are already dangerous and unbearable. There are many unoccupied commercial properties on Upper James Street.

2. The extension of commercial zoning deeper into the subject property would allow for a development of greater magnitude than is appropriate. Increased flow of traffic in and out of such an area would add to the already increasing number of serious traffic accidents.

3. The city of Hamilton has not shown the will to enforce hard-fought amendments to nearby property. The NE corner of Upper James and Stone Church Road was "amended" only after an OMB Hearing which specified setbacks and landscaping to preserve the appearance of a development close to a Heritage structure - Barton Stone Church. The landscaping has died and disappeared. The stipulations attached to the OMB decision have not been adhered to.

4. Your information letter, dated March 6, 1998, states that "if you wish to be notified of the adoption of the proposed Official Plan Amendment, you must .....". This implies that the decision is a foregone conclusion. Such has been the case in the past. This seems a waste of our time, consideration and concern. We find this unacceptable.

Sincerely,

Robert C. Dickson

Mary Lou Dickson

cc. City Clerk, City of Hamilton
Mr. Bill Kelly, Alderman
Mr. Terry Anderson, Alderman

Copy to V. Abraham, Director of Planning & Development;
P. Noé Johnson, City Solicitor from T. Agnello, Secretary
Planning & Development Ctte. Date: 3/17/98

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1998 March 16
ZAC-98-07 MAR 1 8 1998
Strathcona Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a change in zoning - 30, 32 and 36 Margaret Street.

RECOMMENDATION:

(a) That approval be given to Zoning Application ZAC-98-07, Ontario Pride Construction Ltd. owner, for a change in zoning from "D" (Urban Protected Residential - One and Two Family, etc.) District to "DE" - 'H' (Low Density Multiple Apartments - Holding) District (Block 1) and for a modification in zoning to the established "D" (Urban Protected Residential - One and Two Family, etc.) District (Block 2) for lands located at 30 - 36 Margaret Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That Block "1" be rezoned from "D" (Urban Protected Residential - One and Two Family, etc.) District to "DE" - 'H' (Low Density Multiple Apartments - Holding) District;

(ii) That the amending By-law applicable to Block "1" apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as the owner submits a signed Record of Site Condition (RCS) to the Region of Hamilton-Wentworth and the Ministry of Environment, to the satisfaction of the Region of Hamilton-Wentworth, including an acknowledgement of receipt of the RSC by the MOE.

City Council may remove the 'H' symbol, and thereby give effect to the "DE" District, provisions as stipulated in the By-law by enactment of an amending By-law once the condition is fulfilled;

(iii) That the "DE" (Low Density Multiple Apartments) District regulations as contained in Section 10A of Zoning By-law No. 6593, applicable to the lands shown as Block "1", be modified to include the following variances, as special requirements:

1) That the building existing at the time of the passing of this by-law, known municipally as 36 Margaret Street, shall provide and maintain the following setbacks:

   a) 0.70 metres from the easterly lot line;
   b) 0.40 metres from the southerly lot line;
   c) 3.50 metres from the northerly lot line;
   d) 0.00 metres from the westerly lot line;

2) That notwithstanding Section 10A.(1) of Zoning By-law No. 6593, only the following use shall be permitted:

   a) a multiple dwelling containing a maximum of 11 Class A dwelling units within the building existing at the time of the passing of the by-law;

3) That Section 10A.(5) of Zoning By-law No. 6593 shall not apply;

4) That notwithstanding Section 18A.(1)(a) of Zoning By-law No. 6593, a minimum of 11 parking spaces shall be provided and maintained;

5) That notwithstanding Section 18A.(11) of Zoning By-law No. 6593, the boundary of every parking and manouvering area shall provide and maintain the following setbacks:

   a) not less than 0.50 metres from the easterly limits of Block "1";
   b) not less than 0.50 metres from the northerly limits of Block "1"; and,
   c) not less than 0.0 metres from the westerly limits of Block "1";

6) That notwithstanding Section 18A.(24)(b) of Zoning By-law No. 6593, a mutual access driveway having a width of not less than 3.5 metres shall be provided and maintained;

7) That Section 18A.(1)(c) of Zoning By-law No. 6593 shall not apply; and,

8) That Section 18A.(26) of Zoning By-law No. 6593 shall not apply;

(iv) That the "D" (Urban Protected Residential - One and Two Family, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593, applicable to the lands shown as Block "2", be modified to include the following variances, as special requirements:

1) That the semi-detached dwellings existing at the time of the passing of this by-law, known municipally as 30 and 32 Margaret Street, shall provide and maintain the following setbacks:

a) 2.70 metres from the easterly lot line;
b) 1.15 metres from the southerly lot line;
c) 1.45 metres from the northerly lot line;
d) 7.50 metres from the westerly lot line;

2) Notwithstanding Section 10.(4)(ii) of Zoning By-law No. 6593, for a two family dwelling a lot width of at least 14.7 metres and an area of at least 300.0 square metres shall be provided and maintained;

3) That Section 18A.(1)(a) of Zoning By-law No, 6593, shall not apply for the existing semi-detached dwellings existing at the time of the passing of this by-law, known municipally as 30 and 32 Margaret Street;

(v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - , and that the subject lands on Zoning District Map W-12 be notated S - ;

(vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-12 for presentation to City Council;

(vii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,

(viii) That, upon finalization of the implementing zoning by-law, the Strathcona Neighbourhood Plan be amended to redesignate Block 1 from "Single and Double Residential" to "Low Density Apartments".

EXPLANATORY NOTE:

The purpose of the proposed by-law is to provide for changes in zoning for property located at 30 - 36 Margaret Street, as shown on the attached map marked as APPENDIX "A" on the following basis:

Block 1 - from "D" (Urban Protected Residential - One and Two Family, etc.) District to "DE" - 'H' (Low Density Multiple Apartments - Holding) District;

Block 2 - for a modification in zoning to the established "D" (Urban Protected Residential - One and Two Family, etc.) District.

The effect of the By-law is to permit the conversion of the existing building at 36 Margaret Street into 11 condominium apartment units (Block 1), and to recognize the existing semi-detached dwellings at 30 and 32 Margaret Street (Block 2).

36 Margaret Street (Block 1):

The By-law provides for the following special requirements to permit the redevelopment of the existing building for condominium apartments:

1) Recognizes the existing building setbacks which do not comply with the provisions of the "DE" District which, for a new building, would require the following setbacks:

   a) a front yard setback of at least 0.70 metres for the existing building from the front lot line whereas the By-law requires 6.0 metres;
   b) a side yard setback of at least 0.40 metres for the existing building from the southerly side lot line and 0.50 metres from the northerly lot line whereas the By-law requires 3.0 metres;
   c) a rear yard setback of at least 0.0 metres for the existing building whereas the By-law requires 7.5 metres;

2) Permits a maximum of 11 apartment units provided that they are located in the existing building;

3) Requires that a minimum of 11 parking spaces shall be provided and maintained;

4) Require that the boundary of every parking area and the manouvering area provide and maintain the following setbacks:

   a) not less than 0.50 metres from the easterly limits of Block "1" whereas the provisions of the Zoning By-law requires 1.5 m;

   b) not less than 0.50 metres from the northerly limits of Block "1" whereas the provisions of the Zoning By-law requires 1.5 m; and,

c) not less than 0.0 metres from the westerly limits of Block "1", where it abuts the existing Public Unassumed Alley, whereas the provisions of the Zoning By-law requires 1.5 m;

5) Permits a mutual access driveway of not less than 3.5 metres in width whereas the Zoning By-law requires 5.5 m;

6) Exempts the proposed 11 unit apartment building from providing a loading space whereas the Zoning By-law requires that 1 on-site loading space be provided; and,

7) Permits the mutual access driveway to abut the adjacent residential property whereas the Zoning By-law requires that an access driveway be setback 3.0 metres from an abutting residential property.

In addition, the By-law will utilize a Holding Provision for Block "1" such that development cannot occur until such time as the owner submits a signed Record of Site Condition (RCS) to the Region of Hamilton-Wentworth and the Ministry of Environment, to the satisfaction of the Region of Hamilton-Wentworth, including an acknowledgement of receipt of the RSC by the MOE.

30 - 32 Margaret Street (Block 2):

The By-law provides for the following special requirements for the existing semi-detached dwellings:

1) That the semi-detached dwellings existing at the time of the passing of this by-law, known municipally as 30 and 32 Margaret Street, shall provide and maintain the following setbacks:

a) 2.70 metres from the easterly lot line;
b) 1.15 metres from the southerly lot line;
c) 1.45 metres from the northerly lot line;
d) 7.50 metres from the westerly lot line;

2) Permits a two family dwelling on a lot width of at least 14.7 metres and an area of at least 300.0 square metres whereas the Zoning By-law requires a minimum lot width of 18.0 metres and a minimum lot area of 540 m^2

3) Exempts the existing semi-detached dwellings, known municipally as 30 and 32 Margaret Street, from providing on-site parking whereas the Zoning By-law requires that 1 parking space per dwelling unit.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The application for a change in zoning is to permit the redevelopment of the existing building for 11 apartment condominium units at 36 Margaret Street (Block 1) and to recognize the existing semi-detached dwellings at 30 and 32 Margaret Street (Block 2) (see APPENDIX "A").

APPLICANT:

Ontario Pride Construction Ltd., owner.

LOT SIZE AND AREA:

The subject lands are composed of three parcels of land. The lands to be redeveloped for apartment condominiums are irregular in shape and have

- 16.892 m of lot frontage along Margaret Street;
- 40.404 m of lot depth; and
- 942.04 m^2 of lot area.

The lands on which the semi-detached dwellings are located have

- 14.707 m of lot frontage along Margaret Street;
- a maximum lot depth of 21.80 m; and
- 303.18 m^2 of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant former industrial building and semi-detached Dwelling	"D" (Urban Protected Residential - One and Two Family, etc) District
Surrounding Land Use		
to the north	Single detached and semi-detached dwellings	"D" (Urban Protected Residential - One and Two Family, etc) District
to the south	Single detached, semi-detached and row house dwellings	"D" (Urban Protected Residential - One and Two Family, etc) District
to the east	Street townhouse dwellings	"D" (Urban Protected Residential - One and Two Family, etc) District
to the west	Single detached and semi-detached dwellings	"D" (Urban Protected Residential - One and Two Family, etc) District

OFFICIAL PLAN:

The lands are designated **Residential** on Schedule 'A' - Land Use Concept of the City of Hamilton Official Plan. The proposed change in zoning (Block 1) and modification in zoning (Block 2) complies with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Single and Double Residential" in the approved Strathcona Neighbourhood Plan. The proposal is an adaptive reuse of the existing low density industrial building and provides for an opportunity to convert the site to residential uses which are more suitable in this area. However, approval of the application will require an amendment to the approved Strathcona Neighbourhood Plan to redesignate Block 1 from "Single and Double Residential" to "Low Density Apartments".

COMMENTS RECEIVED:

- The Traffic Division, Department of Public Works and Traffic has advised of the following:

"The application to permit the conversion of the existing building to an 11 unit condominium and recognize the existing semi-detached dwellings is satisfactory. Our review indicates that a number of variances will be required to permit the proposed development, in particular, a reduction in the required parking, a reduced driveway width and elimination of the required loading space. Considering the site limitations of the existing buildings, we are prepared to support a reduction in parking from 14 spaces to 11 spaces, a reduced driveway width of 3.4 m instead of 5.5 m and the elimination of the load space.

With reference to the submitted plans, we recommend that the parking area be modified to provide 6.0 m by 2.7 m parking spaces and a 6.0 m aisle width, as shown on the attached plan."

- The Building Department has advised:

"Block "1" - "DE" District

1. Based on the lot area of 942.04 m^2, only six (6) Class A dwelling units are permitted.

2. The existing front, side and southerly side yards are legal non-conforming, The northerly side yard provided conforms.

3. The minimum lot width required is 27.0 m and minimum lot area for each Class A dwelling unit required is 140.0 m^2.

4. Based on eleven (11) dwelling units proposed, fourteen (14) car parking spaces are required and one loading space measuring 9.0m x 3.7m x 4.3m. Insufficient parking is being proposed and no loading space.

5. Each parking space shall not be less than 2.7m wide and 6.0m long. The length of the parking spaces is insufficient.

6. A 1.5m landscaped area and a visual barrier not less than 1.2m and greater than 2.0m must be provided along the boundary of the abutting residential district to the north and east.

7. A minimum landscaped area of 25% of the area of the lot must be provided. Only 8.3% is proposed.

8. One access driveway or mutual access driveway having a width of at least 5.5m must be provided. The access driveway is insufficient at its smallest point. It appears there is only 3.0m or less in width between the parking space and building.

9. Any access to a parking area must be located not less than 3.0m from the common boundary within a residential district. None is provided.

10. No floor plans or elevations were submitted to determine layout of the units or actual height of the building. However, as each unit is to have three (3) bedrooms it would appear that they are Class A dwelling units. Should part of the height of the building include a cellar, no dwelling unit would be permitted in this area.

Block "2" - "D" District, Modified

1. The existing front yard is legal non-conforming. All other yards comply.

2. A minimum lot width of 18.0m and lot area of 540.0 m^2 is required by the By-law.

3. A minimum of two (2) parking spaces is required by By-law. None provided."

- The Regional Environment Department, has advised that:

"There are public watermains and combined storm and sanitary sewers available on Margaret Street to service the proposed development.

The Regional Transportation Department, Roads Division have the following comments:

1. According to our records the existing road allowance width of Margaret Street is 20.12 m, Therefore, we do not anticipate any further road allowance widenings at this time.

2. We require that any privacy fences between No. 32 Margaret Street and No. 36 Margaret Street be setback a minimum of 3.0 m (prefer 5.0 m) from the road allowance limits of Margaret Street.

3. According to our Office records, the municipal sidewalk on Margaret Street is within 1.0 m of the property line. In order to maximize available sight distances for motorists entering the street, we require that any objects, fencing or vegetation between the building at No. 36 Margaret Street and the Margaret Street road allowance limits be no higher than 0.60 m above the corresponding centreline elevation of Margaret Street.

4. The applicant should be advised that according to our records, the alley to the rear of the subject lands is public unassumed. Therefore, the City of Hamilton cannot guarantee free and clear access to the rear of this property from the public unassumed alley.

5. Any other works which may occur within the Margaret Street road allowance must conform to the City of Hamilton Streets By-law."

- The Regional Environment Department, Planning Division advised that:

"REGIONAL COMMENTS: The subject lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan (HWOP).

The existing building on the subject lands contained a former toy factory where potential exists of site contamination. Since the proposal is to convert the existing building for residential use, the proposal must conform to Policy B.2.3 "Contaminated Site Remediation" of the HWOP (Policies attached).

PROVINCIAL COMMENTS: The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. Since the existing building was formerly used as a toy factory, where potential exists for side contamination, the application requires further demonstration of how it has regard for the following PPS policies:

3 Public Health and Safety

3.2 Human-made Hazards

3.2.2 Contaminated sites will be restored as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effect.

Therefore, the application falls within the parameters of the PPS, subject to the following condition.

1) Submission of a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment. This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE."

COMMENTS:

1. The proposal complies with the general intent of the Official Plan.

2. The proposal has merit and can be supported for the following reasons:

i) it implements the intent of the Official Plan;

ii) the proposal is an adaptive reuse of the existing low density industrial building and provides for an opportunity to convert the site to residential uses which are

more suitable in this area; and,

iii) it would be compatible with the abutting residential uses.

3. Variances are required to permit the conversion of the existing building at 36 Margaret Street into 11 condominium apartment units (Block 1) and to recognize the existing semi-detached dwellings at 30 and 32 Margaret Street (Block 2).

Block "1" - 36 Margaret Street

The following variances are required to permit the conversion of the existing vacant industrial building to residential uses.

i) a reduction in the required parking from 14 spaces to 11 spaces;
ii) a reduced driveway width from 5.5 m to 3.4 m; and,
iii) elimination of the required loading space.

Due to the site limitations of the existing buildings, the Traffic Division have advised that they have no objection to the aforementioned variances. In addition, the Traffic Division has requested that the parking area be reconfigured to provide for a minimum 6.0 m aisle width between parking spaces. In order that the 6.0 m aisle width can be provided, then variances to the Zoning By-law are required to permit the parking area to be setback 0.50 metres from the northerly and easterly limits and to allow the manouvering space to be setback 0.0 metres from the easterly limits of Block "1".

There is a public unassumed alley located to the east of the subject. As such the reduced setback will not have an adverse affect on the abutting single detached and semi-detached dwellings. In addition, the applicant will be required to provide a visual barrier along the limits of the parking area to provide for a buffer for the adjacent residential uses.

In addition, it is not possible to provide the required 25% landscaped area. Given that the proposal is for the adaptive reuse of an existing building, the only options to provide the required open space area would be to further reduce the on-site parking provided or to acquire and demolish an abutting single or semi-detached dwelling. A further reduction in parking is not supported and the demolition of an abutting building would create a gap in the residential streetscape. This would adversely affect the existing built character of Margaret Street and as such this option is not supported. On the basis of the forgoing, Planning and Development Department staff support the elimination of the required landscaped area.

There are additional variances to the "DE" District provisions required to recognize the existing building setbacks. These setbacks do not comply with the provisions of the "DE" District which, for new construction, would require the following setbacks:

a) a front yard setback of at least 0.70 metres for the existing building from the front lot line whereas the By-law requires 6.0 metres;
b) a side yard setback of at least 0.40 metres for the existing building from the southerly side lot line and 3.50 metres from the northerly lot line whereas the By-law requires 3.0 metres;
c) a rear yard setback of at least 0.0 metres for the existing building whereas the By-law requires 7.5 metres;

Block "2" - 30 and 32 Margaret Street

For the existing semi-detached dwellings at Nos. 30 and 32 Margaret Street, variances to the provisions of the "D" (Urban Protected Residential - One and Two Family, etc.) District are required to recognize the existing lot width and front and side yard setbacks. In addition, for the existing semi-detached dwellings, on-site parking will not be required. These variances can be supported as they recognize the existing situation.

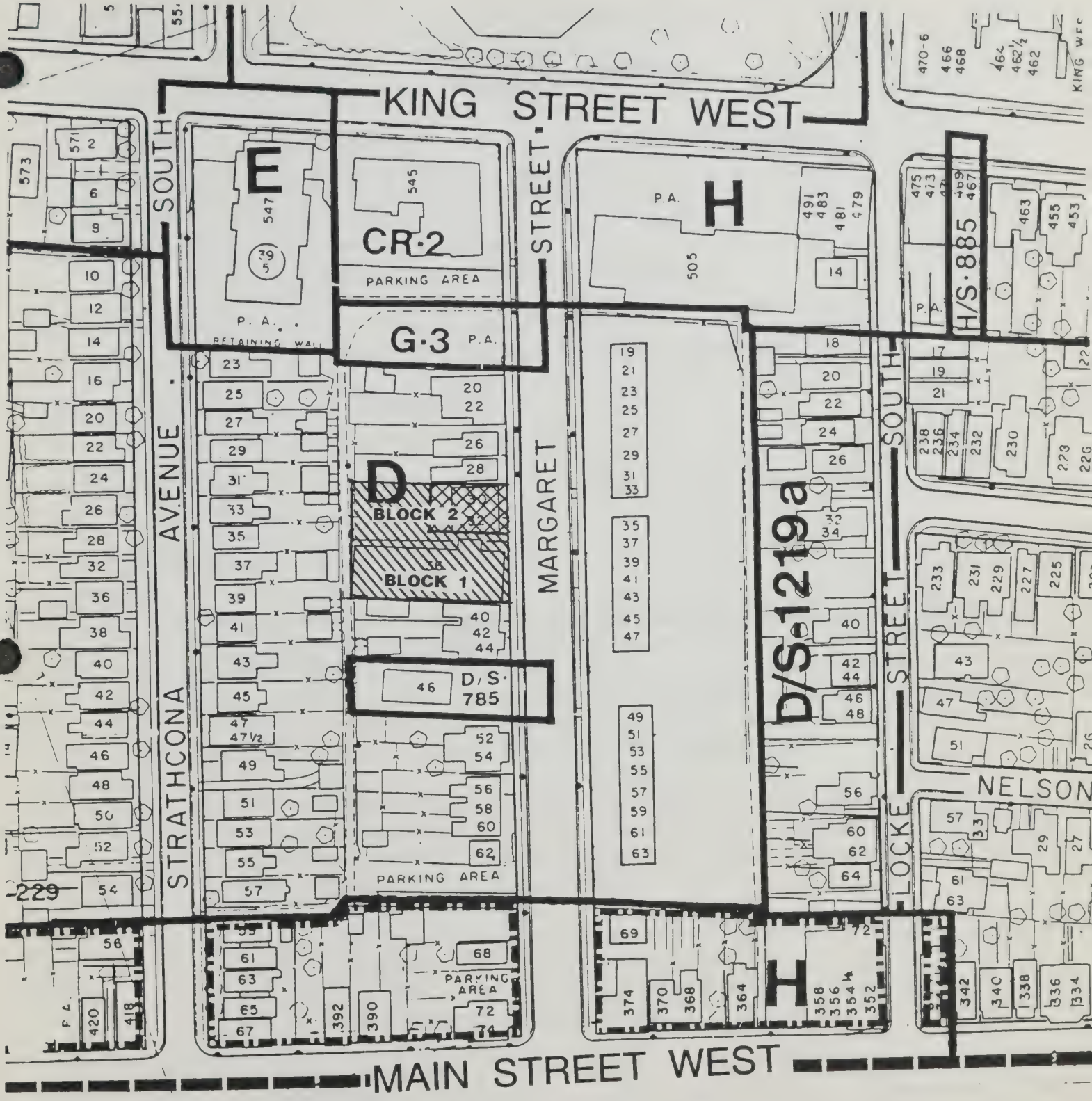
In addition, a variance for the reduction in minimum lot area from 360 m^2 to 300 m^2 is required. This variance can be supported on the basis that the rear yard setback of 7.5 m is being maintained which will provide for an appropriate rear amenity area.

4. The "DE" (Low Density Multiple Apartments) District is subject to Site Plan Control By-law No. 79-275 as amended by By-law 87-223. In this regard, any changes to the site with respect to landscaping, fencing, grading, parking, etc., can be further reviewed at the site plan control stage of development.

CONCLUSION:

Based on the foregoing, the application can be supported.

SR/sr
ZA-98-07.RPT



Legend

Proposed change in zoning from:

BLOCK 1 — "D" (Urban Protected Residential- One and Two Family,etc.) District to "DE" (Low Density Multiple Dwellings) District

BLOCK 2 — Modification to the established "D" (Urban Protected Residential - One andTwo Family,etc) District

ZAC- 98-07

7.

CITY OF HAMILTON

- RECOMMENDATION -

DATE:	1998 March 13 MAR 18 1998 ZAC-98-03 Inch Park Neighbourhood
REPORT TO:	Tina Agnello, Secretary Planning and Development Committee
FROM:	V. J. Abraham, M.C.I.P., R.P.P. Director, Planning and Development Department J. G. Pavelka, P.Eng Chief Administrative Officer
SUBJECT:	Request for a change in zoning - 243 Fennell Avenue East

RECOMMENDATIONS:

A. That approval be given to amended Zoning Application 98-03, 1215443 Ontario Inc. (Ontario Pride Construction/Michael Bobiash), owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" - 'H' (Townhouse-Maisonette - Holding) District modified, to permit the construction of 13 townhouse units and 2 semi-detached units, for the property located at No. 243 Fennell Avenue East, shown as Blocks 1 and 2 on the attached map marked as APPENDIX "A", on the following basis:

i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until:

1) Submission of a signed Record of Site Condition (RSC) to the Region of Hamilton-Wentworth and the Ontario Ministry of the Environment (MOE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE.

Removal of the holding restriction shall be conditional upon the signed Record of Site Condition to the satisfaction of the Region and the Ministry of Environment. City Council may remove the 'H' symbol, and thereby give effect to the "RT-20" District provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled;

ii) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" - 'H' (Townhouse-Maisonette - Holding) District modified;

iii) That the "RT-20" (Townhouse-Maisonette) District regulations, as contained in Section 10E of Zoning By-law 6593, applicable to Block 1, be modified to include the following variances as special requirements:

1) That notwithstanding Section 10E(2), only a maximum of one semi-detached dwelling and a townhouse dwelling having a maximum of three single family dwelling units shall be permitted;

2) That notwithstanding Section 10E(4)(a), for a townhouse dwelling a side yard depth of not less than 4.0 metres shall be provided and maintained for the southerly lot line; and,

3) That notwithstanding Section 10E(17)(a), for a townhouse dwelling not more than three single family dwelling units shall be attached in a continuous row.

iv) That the "RT-20" (Townhouse-Maisonette) District regulations, as contained in Section 10E of Zoning By-law 6593, applicable to Block 2, be modified to include the following variance as a special requirement:

1) That notwithstanding Section 10E(2), only townhouse dwellings having a maximum of ten single family dwelling units shall be permitted; and,

2) That notwithstanding Section 10E(17)(a), for a townhouse dwelling not more than four single family dwelling units shall be attached in a continuous row.

v) That the building elevation drawings as submitted with a future Site Plan application for the subject lands be consistent with the height, scale, style, character and architectural details of the proposed dwellings shown in APPENDIX "D";

vi) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-16 be notated S- ;

vii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-16, for presentation to City Council; and,

viii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" - 'H' (Townhouse-Maisonette - Holding) District modified, for lands located at No. 243 Fennell Avenue East shown as Blocks 1 and 2 on the attached map marked as APPENDIX "A".

The effect of the By-law is to provide the appropriate residential zoning to permit the development of 13 townhouse units and 2 semi-detached units.

The amending By-law applies the holding provisions of Section 36(1) of the Planning Act, R.S.O 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until:

1) Submission of a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment (MOE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE.

Removal of the holding restriction shall be conditional upon the completion of the above noted condition. City Council may remove the 'H' symbol, and thereby give effect to the "RT-20" District modified provisions as stipulated in this By-law by enactment of an amending By-law once the conditions are fulfilled.

In addition, a number of variances are required for each Block:

1) a maximum of one semi-detached dwelling shall only be permitted within Block 1;

2) a maximum of three single-family townhouse dwellings shall only be permitted within Block 1;

3) for a townhouse dwelling within Block 1, a side yard depth of not less than 4.0 metres shall be provided and maintained along the southerly lot line, where a minimum 6.0m is required;

4) for townhouses within Block 1, not more than three single family dwelling units will be attached in a continuous row, where eight are permitted;

5) a maximum of ten single-family townhouse dwellings shall only be permitted within Block 2;

6) for townhouses within Block 2, not more than four single family dwelling units will be attached in a continuous row, where eight are permitted.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The amended application for a change in zoning is to permit the redevelopment of the subject lands for 13 townhouse units and 2 semi-detached dwellings. The conceptual development plan submitted is shown as APPENDIX "B".

LOT SIZE AND AREA:

The subject lands have:

- 105.44m (381.27 feet) of frontage on Fennell Avenue East;
- 59.26m (194.42 feet) of depth; and,
- 6,410.19m^2 (1.59 acres) of lot area.

APPLICANT:

1215443 Ontario Inc.(Ontario Pride Construction/Michael Bobiash), owner.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant school structure	"C" (Urban Protected Residential, etc.) District
Surrounding Lands		
to the north	Residential, single-family	"C" (Urban Protected Residential, etc.) District
to the east	Residential, single-family	"C" (Urban Protected Residential, etc.) District

to the west	Residential, single-family	"C" (Urban Protected Residential, etc.) District
to the south	Residential, single-family	"C" (Urban Protected Residential, etc.) District

***OFFICIAL PLAN*:**

The site is designated MAJOR INSTITUTIONAL on Schedule "A" - Land Use Concept of the Official Plan.

The following policies should be noted:

"A.2.6.1 The primary uses permitted in the areas exceeding 0.4 hectare in size designated on Schedule "A" as MAJOR INSTITUTIONAL, will consist of cultural facilities, health, welfare, educational, religious, and governmental activities and accessory uses.

A.2.6.5 Notwithstanding the policies set out above, in areas designated MAJOR INSTITUTIONAL, Residential uses may be permitted provided they are compatible with the surrounding area and are in keeping with the Residential policies set out in Subsections A.2.1 and C.7 of this Plan."

The proposed change in zoning complies with the Official Plan.

NEIGHBOURHOOD PLAN:

There is no Approved Neighbourhood Plan for the Inch Park Neighbourhood.

RESULTS OF CIRCULARIZATION:

- The following Departments and Agencies have no comment or objections:

  - Hamilton Region Conservation Authority; and,
  - Union Gas.

- The Regional Environment Department (Planning Division) has reviewed the application and has advised the following:

  "**Regional Comments:**

  The subject lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan (H.W.O.P.).

The subject lands contained a former school (i.e. Onteora Public School) where potential exists of site contamination. Since residential development is proposed for this site, the proposal must conform to Policy B-2.3 "Contaminated Site Remediation", of the H.W.O.P.

Provincial Comments:

The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. Since the subject lands contained a former school site, which has the potential for having site contamination, the application requires further demonstration of how it has regard for the following PPS policies:

3 Public Health and Safety

3.2 Human-Made Hazards

3.2.2 Contaminated sites will be restored as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effect.

Also, the subject land is adjacent to the intersection of Fennell Avenue East and Upper Wellington Street, which are major arterial roads with potential vehicular noise impacts.

Therefore, the application falls within the parameters of the PPS, subject to the following conditions:

1) Submission of a signed Record of Site Condition (RSC) to the Region and the Ministry of the Environment (MOE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE.

2) That the owner agree to register on title the following noise warning clause for the proposed residential units:

"Purchasers are advised that noise levels originating from Fennell Avenue east and Upper Wellington Street may become of concern, occasionally interfering with some activities of the occupant." "

- The Regional Environment Department (Development Division) has reviewed the application and has advised the following:

"There are public watermains and separate storm and sanitary sewers available in Upper Wellington Street to service the proposed development.

The Regional Transportation Department, Roads Division have the following comments.

1. The designated road allowance width of Fennell Avenue is 26.21m. In accordance with this designation we recommend as a condition of development approval that sufficient lands be dedicated to the Region to establish the property line 13.11m from the centreline of the original Fennell Avenue road allowance. A portion of this widening was previously acquired by the Region by Instrument No. 188447 CD and shown as Part 42 on Reference Plan 62R-1628. The plans submitted by the applicant must be revised accordingly and all setbacks must be taken from the widened limits of Fennell Avenue East.

   The Region previously acquired a road widening on Upper Wellington Street varying from 2.51m at the north end of the property to 3.048m at the south end of the property. In order to provide for improved turning radii at the intersection of Fennell Avenue and Upper Wellington Street we require as a condition of development approval that the applicant dedicate to the Region sufficient lands, as outlined on the attached plan, for road widening purposes. Alternatively, the applicant can dedicate to the Region sufficient lands to establish a 12.19m by 12.19m daylight triangle from the widened limits of Fennell avenue and Upper Wellington Street.

2. We recommend that the subject lands be developed through site plan control at which time further detailed comments on access, grading, visibility triangles, fencing, pedestrian connections and landscaping, etc. will be submitted. All existing fences must be removed from the road allowance limits, as widened.

3. Any works which may occur within the adjacent road allowances, as widened, must conform to the Region of Hamilton-Wentworth Roads Use By-law."

- The Department of Public Works and Traffic has advised that:

"We have no objections to the proposed change in zoning from a "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District.

The applicant has submitted a preliminary site plan that indicates that there is insufficient manoeuvring space on-site to accommodate City of Hamilton's garbage pick-up. Therefore, the applicant should be advised that on-site garbage pick-up will not be considered."

- The Building Department has advised that:

"1. Every townhouse dwelling building must contain not less than three (3) single family dwelling units side by side and attached in one row.

2. The proposed building containing two (2) dwelling units is not permitted in an RT-20 District. A special requirement to permit a townhouse dwelling containing two (2) single family dwelling units only is required.

3. A townhouse development containing fifteen (15) dwelling units with garages in each unit must provide a minimum of twenty (20) parking spaces. The proposed layout only provides nineteen (19) parking spaces.

4. A minimum of five (5) parking spaces shall be signed "Visitors Only". The proposed layout only provides four (4) visitor parking spaces.

5. The maximum building height is three (3) storeys.

6. Each townhouse dwelling unit requires a privacy area screened on two sides having a depth of not less than 2.5m and a height of 1.2m to 2.0m."

- Heritage Planning has advised the following:

"Onteora School is listed on the LACAC (Local Architectural Conservation Advisory Committee) Inventory of Buildings of Architectural and/or Historical Interest. Constructed in 1922 (Architect J.A. Armes), the building is worthy of attention.

Since receiving notice in 1994 of the Board of Education's decision to sell the property in 1994, LACAC has advocated adaptive re-use of the building instead of demolition.

Heritage Planning would prefer that the applicant convert the existing buildings to residential use, however we understand that this alternative has been investigated and found to be economically unfeasible.

We will advise LACAC of the probability that this building will be demolished and report back."

COMMENTS:

1. The proposal complies with the general intent of the Official Plan.

2. The proposal has merit and can be supported for the following reasons:

   i) it implements the intent of the Official Plan;

   ii) it would be compatible with existing and future planned residential uses;

   iii) it is located in close proximity to services such as shopping, public transit, highway access, etc.; and,

   iv) it provides a form of housing that is not readily available in the Hamilton market, ie., smaller one-storey dwellings targeting the empty-nester market.

3. The proposal requires a number of variances to the "RT-20" (Townhouse-Maisonette) District regulations. The variances can be supported as outlined below:

   - A semi-detached dwelling is not permitted within the Zoning district. Inclusion of the semi-detached dwelling within Block 1 maintains the street orientation of the overall development concept and is compatible to the other proposed residential dwellings on the subject lands and the adjacent neighbourhood.

   - The minimum side yard depth for a townhouse dwelling is 6.0m and the applicant has shown a minimum 6.0m side yard depth along the southerly lot line on the submitted plans. However, a reduction of the side yard setback to 4.0m is required to accommodate the road widening of Fennell Avenue East. This variance will enable the development of Block 1 to occur as shown on the attached Appendices and can be supported as it will provide a consistent built form edge along Fennell Avenue East.

   - A variance has been established to limit the number of dwelling units constructed on the subject lands to 13 townhouse dwelling units and one semi-detached dwelling. This variance will ensure that the number and form of residential dwelling units constructed on site will be consistent to the intent of the proposal as shown on APPENDIX "B".

   - Within the "RT-20" Zoning District, not more than eight single family dwelling units are to be attached in a continuous row. To maintain a lower density character in the proposed development that is compatible to the surrounding neighbourhood, for Block 1 a maximum of three single family dwelling units will be permitted in a continuous row. For Block 2, a maximum of four single family dwelling units will be permitted in a continuous row as proposed by the applicant.

4. The proposal will require the use of the 'H' (holding) Symbol. Since the lands were formerly used for school purposes and the potential exists for site contamination, the Region of Hamilton-Wentworth has requested a signed Record of Site Condition. Once this condition has been met, the 'H' symbol will be removed giving effect to the "RT-20" District regulations.

   The Region has also requested a noise warning clause be placed on the title of the land. This condition will be applied at the time of Condominium approval and/or as a condition of Site Plan approval.

5. The Building Department has advised that a minimum of five (5) parking spaces are required for Visitors Parking. Accordingly, APPENDIX "C" contains a red-lined revised plan showing five spaces for Visitor Parking.

6. The "RT-20" (Townhouse-Maisonette) District is subject to Site Plan Control By-Law 79-275, as amended by By-law 87-223. In this regard, matters such as access, parking, road widenings, daylight triangles, landscaping, fencing, grading, etc. will be reviewed at the site plan control stage of development.

7. The height, scale, style, character and architectural details of the proposed dwellings as shown on APPENDIX "D" is to be maintained at the Site Plan Approval stage of development.

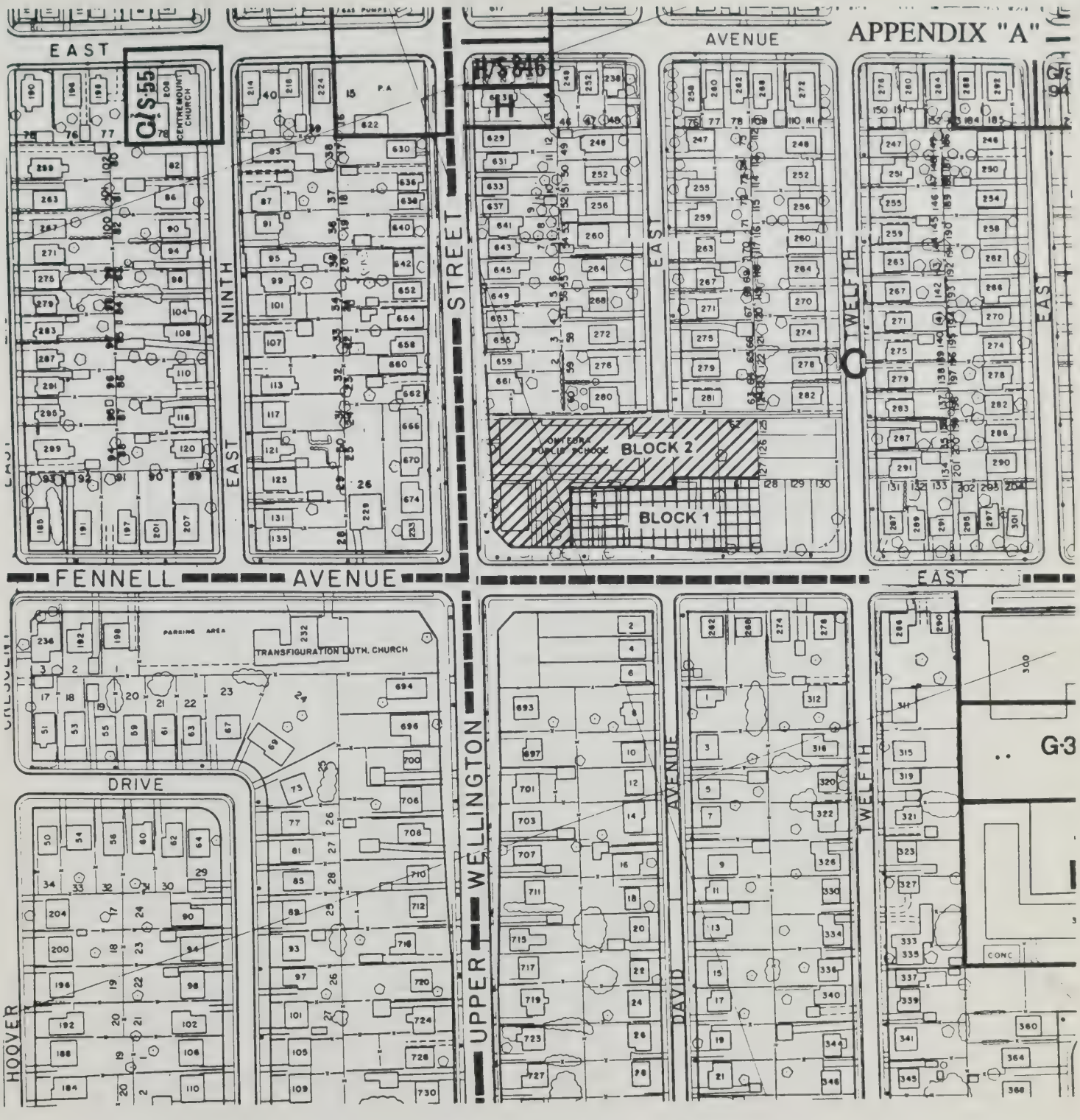
8. The Public Works and Traffic Department have advised there will be no on-site City of Hamilton garbage pick-up.

CONCLUSION:

Based on the foregoing, the application can be supported.

KE/ke

N:\KE\ZAC98-03



Legend

Change In Zoning From:

BLOCK 1 From "C" (Urban Protected Residential, etc.) District To "RT-20" - 'H' (Townhouse - Maisonette - Holding) District, Modified.

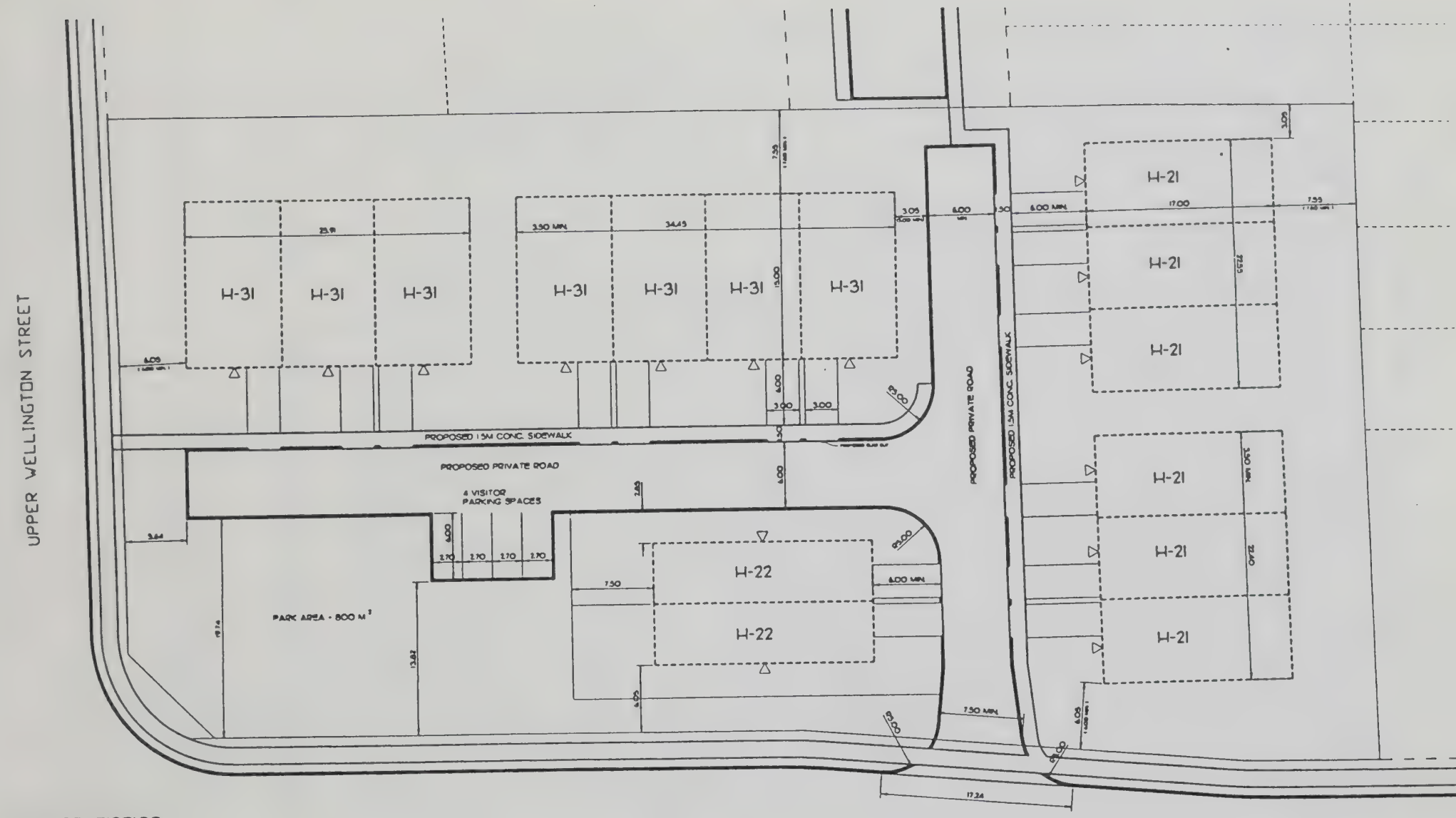
BLOCK 2 From "C" (Urban Protected Residential, etc.) District To "RT-20" - 'H' (Townhouse - Maisonette - Holding) District, Modified.

City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	ZAC-98-03
	Date	Drawn By
	March, 1998	R. L.



SITE STATISTICS

LOT AREA	- 6410.9 M²	
TOTAL BUILDING COVERAGE	- 2300 M²	(35.9 %)
ASPHALT DRIVE & PARKING AREA	- 873.06 M²	(13.3 %)
LANDSCAPED AREA	- 2937.13 M²	(45.8 %)

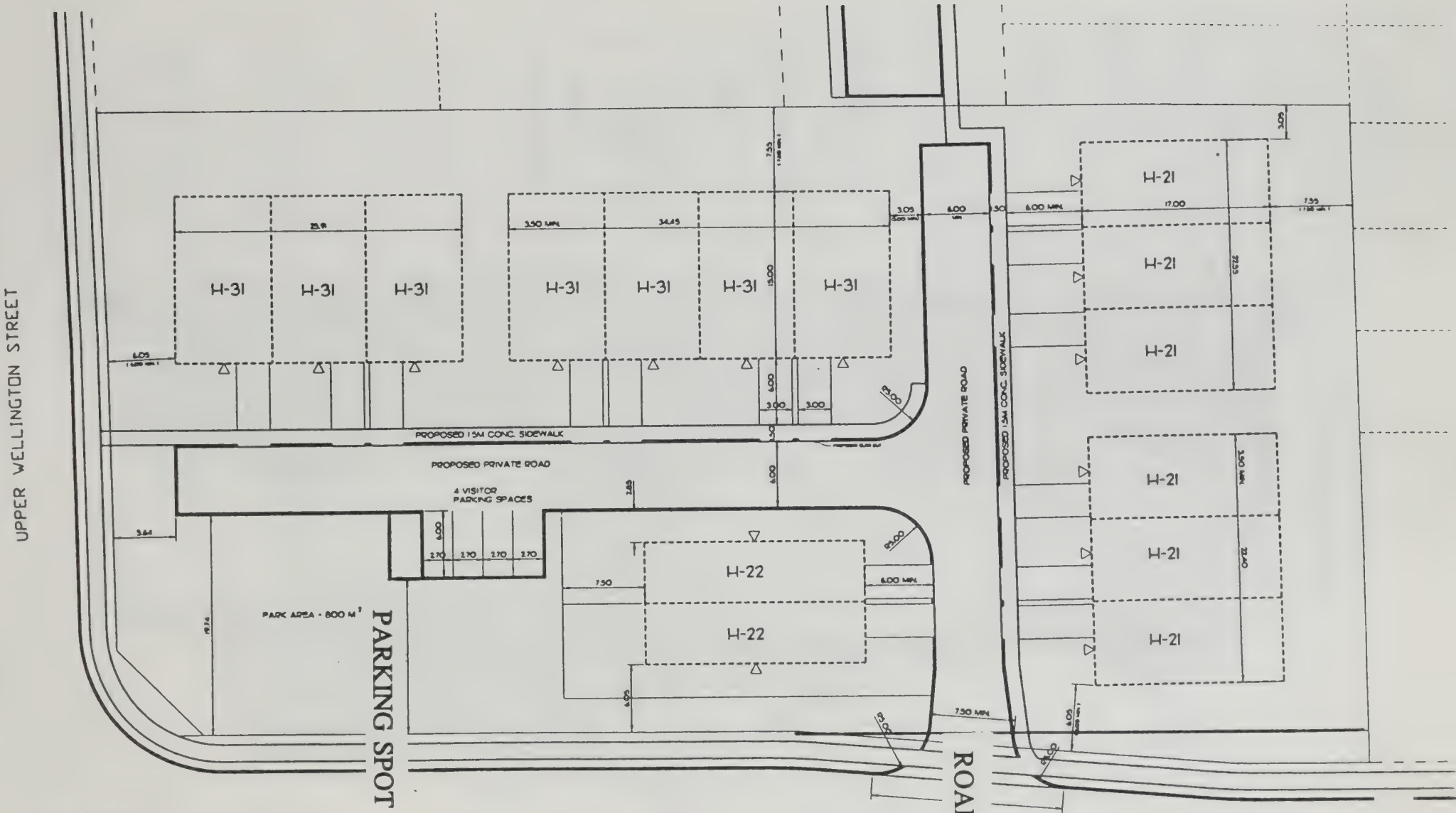
NO. OF UNITS

TOWN HOUSE	13
SEMI-DETACHED	4
TOTAL UNITS	17

PARKING

UNIT PARKING - 2 PER UNIT	- 30
VISITOR PARKING	- 4
TOTAL PARKING	- 34

APPENDIX "B"



SITE STATISTICS

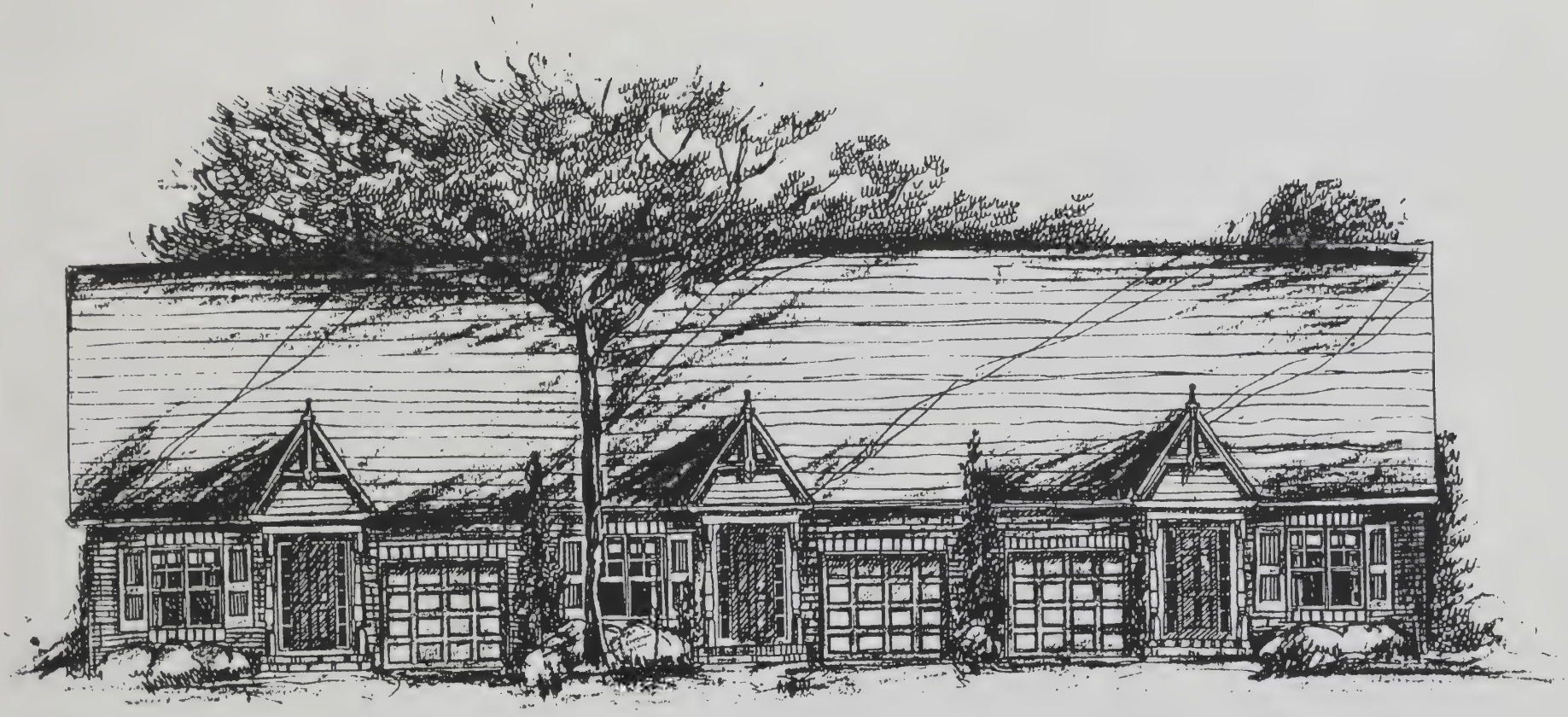
LOT AREA	6410.19 M²	
TOTAL BUILDING COVERAGE	2300 M²	(35.9 %)
ASPHALT DRIVE & PARKING AREA	873.06 M²	(13.3 %)
LANDSCAPED AREA	2937.13 M²	(45.8 %)

NO. OF UNITS

TOWN HOUSE	
SEMI-DETACHED	13
TOTAL UNITS	13

PARKING

2 PARKING - 1 PER UNIT	30
VISITOR PARKING	4
TOTAL PARKING	34



ONTEORA Place

APPENDIX "D"

8

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 March 16
(CD-97-003) MAR 1 ? 1998

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT:

Rental Housing Protection Act Application CD-97-003 -
893 Concession Street, Raleigh Neighbourhood

RECOMMENDATIONS:

(a) That Application CD-97-003, under the Rental Housing Protection Act, Herminio Silva, Owner, for conversion of 22 rental apartment units to condominium units for the property located at 893 Concession Street, be denied for the following reason:

(i) Removal of these units from the rental market would adversely affect the overall rental vacancy rate within the Hamilton Mountain Zone.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The cost of processing this application under the Rental Housing Protection Act is paid for by the applicant through the application fees.

BACKGROUND:

Owner

Herminio Silva, owner.

Existing Building

The subject property consists of one apartment building, which is three storeys in height. There are sixteen one-bedroom units, and six two-bedroom units. The property is shown on the attached key map marked as APPENDIX "A". There are 23 on-site parking spaces. The building was constructed in 1974. As of January, 1998, three of the 22 units in the building were vacant.

Nature of the Application

An application under the Ontario Rental Housing Protection Act (RHPA) for the property at 893 Concession Street was submitted to the City on August 1, 1997. The proposal is to convert the 22 rental apartment units to condominium. The agent for the applicant has indicated the sale price for the units will be "in the $50,000 to $55,000 range" for the one-bedroom units, and "in the $55,000 to $59,000 range" for the two-bedroom units. The applicant's agent has also indicated that existing tenants can purchase their units for $7,618 less than the appraised value of the unit, depending on the option the tenants choose. An appraiser will be hired by the tenants and landlords, to determine the final price of the units.

Proposed Conversion Details

The following list outlines the interior and exterior improvements to be carried out in conjunction with the conversion to condominium:

Exterior Improvements:

a. All the windows will be replaced with new aluminium thermal pane windows.
b. All aluminum sliding doors will be replaced.
c. New roofs would be installed and all the roof flashing will be repaired or replaced.
d. All eavestroughs will be repaired and/or replaced.
e. All landscaping will be upgraded.
f. All walkways will be replaced or repaired.
g. The parking lot will be resurfaced. New lines and numbers will be painted.

Interior Upgrades:

a. All fridges will be replaced with new full sized frost free fridges.
b. All stoves will be replaced with new full sized stoves.
c. All water taps in kitchens and bathrooms that need to be replaced will be replaced.
d. All bathroom tiles and floors that need to be replaced will be replaced.
e. All kitchen floors that need to be replaced will be replaced.
f. All interior doors including clothing closet doors that need to be replaced will be replaced.
g. Replace, repair or refurbish all railings, walls, ceilings and lighting in a;; the common corridors including all the rest of the common areas.
h. All hallways will be painted.

i. All hallway carpets will be replaced.

Rent Details

The legal monthly rents for the units, as of January, 1998, are as follows:

- 16 units have a legal monthly rent of $ 671 per month (one bedroom units); and,
- 6 units have a legal monthly rent of $ 820 per month (two bedroom units).

APPLICABILITY OF THE RENTAL HOUSING PROTECTION ACT:

The purpose of the Act is to protect the supply of rental housing. The Act regulates changes to rental housing units including renovations, conversion to condominium, conversion to other uses, demolitions and severances. The rental apartment units at 893 Concession Street are subject to the Act since the applicant intends to convert these apartment units to condominium status. The Act notes that Council of a municipality shall not approve an application under the Act unless the council is satisfied that at least one of the following criteria is met:

i) the building is structurally unsound;
ii) the applicant provides the same number of new rental units in a similar rental range and in the same area and provides the existing tenants with rental accommodation of similar quality and rent in the same area; and/or,
iii) in the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality.

Criteria i) is not applicable as the applicant is seeking to convert the existing building to condominium status.

Criteria ii) is not applicable as the applicant is not providing any new rental units.

Therefore, Council may approve this application if, it is of the opinion that the loss of these affordable rental units would not constitute an adverse effect on the supply of affordable rental housing in Hamilton. Further, if Council decides to approve the application, Council may wish to use the provisions of section 11(7) and 12 of the Rental Housing Protection Act to impose reasonable conditions on approval, to enter into agreements with the applicant concerning fulfilment of these conditions, and to register these agreements against title to the property.

Examples of reasonable conditions that Council has utilized in previous Rental Housing Protection Act applications include:

- provision to tenants who do not wish to purchase of a period of security of tenure from eviction by the applicant or a subsequent purchaser of a condominium on the grounds of personal possession under section 103 of the Landlord and Tenant Act and on the grounds

of renovation and repair, conversion of use, or demolition under section 105 of the Landlord and Tenant Act.

- pricing of units for sale to tenants at the levels set out in the application.
- provision of a first right of refusal to all tenants interested in purchasing their unit.

ANALYSIS OF IMPACT/EFFECT ON THE RENTAL HOUSING MARKETPLACE:

City Council may approve the application through Regulation O.Reg. 524/94 of the Rental Housing Protection Act if, in Council's opinion, the removal of these 22 rental units will not adversely affect the supply of affordable rental housing in the City. In June, 1995, the Planning and Development Department submitted an Information Report to the Planning and Development Committee regarding the evaluation of applications for condominium conversion. The report outlined the criteria that will be used in evaluating applications and determining the staff recommendation. The criteria are in two groups: "Essential Criteria" and "Criteria for Which Conditions May be Instituted". The following is a list of the criteria in each group:

Essential Criteria:

1. The vacancy rate within the City of Hamilton for all units should be at least two percent.
2. The vacancy rate within the particular Canada Mortgage and Housing Corporation (hereafter referred to as "CMHC") Zone should be at least two percent (for all units).
3. The vacancy rate for the specific bedroom type should be at least two percent within the City and the zone.
4. The impact of conversion on the vacancy rates will be examined to ensure that vacancy rates will not be significantly impacted.
5. The rental pricing will be examined to review whether the units are priced significantly less than comparable units in the City and the zone.

Criteria for Which Conditions May be Instituted:

1. The availability of potential alternative rental accommodation will be reviewed in terms of bedroom type and monthly rental charge.
2. The affordability of the units will be examined in terms of affordability as ownership and rental units.
3. The monthly carrying costs will be examined to compare the monthly costs as rental and ownership units.

Sources of Rental Market Statistics:

Current and historical data from the semi-annual Canada Mortgage and Housing Corporation Rental Market Report is used to evaluate the above-noted criteria. CMHC has divided the City into seven geographic zones. The subject property is located within "Zone 6 - Mountain". This zone includes all of the Hamilton Mountain, namely the area south of the Mountain Brow.

The most recent CMHC Rental Market Survey is from October, 1997. It should be noted that 893 Concession Street was part of this CMHC survey, and information on vacancy and rents was provided to CMHC at that time.

Essential Criteria

Vacancy Rates

Rental vacancy rates relevant to this application are as follows:

- City of Hamilton, 1996, apartment buildings with 6 or more units - 2.45%;
- City of Hamilton, 1997, apartment buildings with 6 or more units - 3.51%;

- Mountain - Zone 6, 1996, apartment buildings with 6 or more units - 1.31%;
- Mountain - Zone 6, 1997, apartment buildings with 6 or more units - 1.66%.

The vacancy rates for the overall City are thus within the 2% to 3% range, while vacancy rates for the Mountain are under 2 %. These rates are in keeping with past trends for these areas, as the Hamilton Mountain has traditionally lower vacancy rates than the overall City.

A vacancy rate between 2.0 percent and 3.0 percent is considered by CMHC as indicative of a healthy, competitive rental marketplace in a municipality. Therefore, vacancy rates for the Mountain are slightly below what is considered an acceptable level.

Impact of Conversion on Vacancy Rate

Analysis of the change in the vacancy rate for the City and the Mountain Zone is used to determine if the proposed conversion to condominium will negatively impact the vacancy rate within the City and this market zone.

Utilizing the published CMHC statistics from the October, 1997 Rental Market Survey, the proposed conversion would result in a minor reduction in the rental vacancy rate at the City and CMHC Zone level.

Geographic Area	**Structure Type**	**Before Conversion Vacancy Rate**	**After Conversion Vacancy Rate**
City of Hamilton	6 + Unit Apt. Buildings	3.51%	3.50%
Zone 6 - Mountain	6 + Unit Apt. Buildings	1.66%	1.62%

Rental Pricing

Average Rent Levels

Bedroom Type	City Wide Average Rent (Oct/97)	Mountain Zone Average Rent (Oct/97)	893 Concession St. Legal Rent (Jan. 98)
One-Bedroom Apartment Unit	$498	$510	$671
Two-Bedroom Apartment Unit	$603	$611	$820

The average monthly rent charges for 893 Concession Street are higher than the City of Hamilton average levels for both one-bedroom and two-bedroom apartment units. Rents in the subject property are also higher than rents for the Hamilton Mountain Zone.

Impact on Overall Supply of Rental Housing

The removal of the 22 apartment units will reduce the rental stock in the City and the Hamilton Mountain Zone. The following table shows the rental stock and the impact of removing these units from the overall rental supply.

Geographic Area	Structure Type	Rental Stock	% Reduction of Rental Stock
City of Hamilton	Units in 6+ Unit Apartment Bldg.	30,815	-0.07%
Zone 6 - Mountain	Units in 6+ Unit Apartment Bldg.	7,174	-0.31%

The reductions in the total rental stock for the City and Zone 6 - Mountain are small on a percentage basis.

Criteria for Which Conditions May be Instituted

Potential Alternative Accommodation

A review was undertaken of the total number of vacant one-bedroom and two bedroom apartment units within the City of Hamilton by monthly rent range as recorded by CMHC. This determines the extent or availability of similarly priced rental accommodation within the community. The table which follows shows the actual distribution of occupied apartment units within 893 Concession Street by their monthly legal rent (information provided by the applicant), compared to the number of vacant one-bedroom and two bedroom rental apartment units in Hamilton as reported by CMHC as of October, 1997.

Monthly Rent Range	893 Concession St. 1 Bedroom Apt. Units (Occupied)	City of Hamilton 1 Bedroom Apt. Units (Vacant)	893 Concession St. 2 Bedroom Apt. Units (Occupied)	City of Hamilton 2 Bedroom Apt. Units (Vacant)
$540-579	0	75	0	189
$580-619	0	12	0	99
$620-659	0	**	0	71
$660-699	16	0	0	**
$700-739	0	**	0	0
$740-799	0	**	0	**
$800-899	0	0	6	**
Total Units	16	543	6	424

** - Data suppressed by CMHC due to confidentiality and/or small numbers.

Based on the above table, there is an alternative supply of vacant rental one-bedroom and two bedroom apartment units in the City of Hamilton, at lower rent ranges than the units at 893 Concession Street. It should be noted that units in the subject building are near the high end of the range, in terms of cost, so there are many units available at a lower cost.

Monthly Carrying Costs

A review of the monthly carrying costs for a tenant purchasing a unit is outlined in the table which follows, based on the following assumptions:

1. A down payment of 10 percent or 25 percent;

2. Prevailing mortgage interest rates (1-Year - 6.40%, 3-Year - 6.70% and 5-Year 6.85%);

3. An amortization period of 25 years;

4. Property taxes at approximately $1,500 per year ($125 monthly); and,

5. A purchase price of $55,000 for one-bedroom units, and $59,000 for two-bedroom units (as indicated by the applicant).

Bedroom Type	Down payment	Mortgage Term	Principal, Interest & Taxes (PIT)	Variation from Actual Rent
One-Bedroom	10 percent	One Year	$454	-$217 ($671)
One-Bedroom	10 percent	Three Year	$463	-$208 ($671)
One-Bedroom	10 percent	Five Year	$467	-$204 ($671)
One-Bedroom	25 percent	One Year	$399	-$272 ($671)
One-Bedroom	25 percent	Three Year	$406	-$265 ($671)
One-Bedroom	25 percent	Five Year	$410	-$261 ($671)

Bedroom Type	Down payment	Mortgage Term	Principal, Interest & Taxes (PIT)	Variation from Actual Rent
Two-Bedroom	10 percent	One Year	$483	-$337 ($820)
Two-Bedroom	10 percent	Three Year	$493	-$327 ($820)
Two-Bedroom	10 percent	Five Year	$498	-$322 ($820)
Two-Bedroom	25 percent	One Year	$423	-$397 ($820)
Two-Bedroom	25 percent	Three Year	$431	-$389 ($820)
Two-Bedroom	25 percent	Five Year	$436	-$384 ($820)

Based on the above tables, the one-bedroom and two-bedroom units are significantly more "affordable" as owner-occupied units, compared to the actual rents. It should be noted that

monthly condominium fees have not been included in the above estimates. These would be conservatively estimated in the range of $60-$75 monthly.

Summary

The application has been evaluated on the basis of the standard criteria and process used by staff. A summary of this evaluation follows:

Essential Criteria:

1. The vacancy rate within the City of Hamilton for all units should be at least two percent:
   - This criteria is **met**. The City vacancy rate is 3.51%.

2. The vacancy rate within the particular Canada Mortgage and Housing Corporation (hereafter referred to as "CMHC") Zone should be at least two percent (for all units):
   - This criteria is **not met**. The Zone 6 - Mountain vacancy rate is 1.66% for buildings with 6 or more units.

3. The vacancy rate for the specific bedroom type should be at least two percent within the City and the zone:
   - This criteria is **not met**. The relevant vacancy rates are as follows, for apartments with 6 or more units:
     - City, 1 bedroom: 3.57%;
     - City, 2 bedroom: 3.30%;
     - Mountain, 1 bedroom: 2.53%;
     - Mountain, 2 bedroom: 0.92%.
   - It is noted the Mountain Zone 2 bedroom vacancy rate is below 2%.

4. The impact of conversion on the vacancy rates will be examined to ensure that vacancy rates will not be significantly impacted:
   - This criteria is **met.** The conversion will have a minimal impact on vacancy rates, namely a 0.07% reduction for the City, and 0.31% drop for the Mountain Zone.

5. The rental pricing will be examined to review whether the units are priced significantly less than comparable units in the City and the zone:
   - This criteria is **met.** The units are in fact priced considerably higher than the average similar units in the City and Zone, about 30% higher than these averages.

Criteria for Which Conditions May be Instituted:

1. The availability of potential alternative rental accommodation will be reviewed in terms of bedroom type and monthly rental charge:

- This criteria is **favourable**, since there is alternative accommodation available.

2. The affordability of the units will be examined in terms of affordability as ownership and rental units:
   - This criteria is **favourable**, since the subject units are at the high end of the market in terms of cost, as they are 30% to 35% higher in cost than the average units in the City and Zone.

3. The monthly carrying costs will be examined to compare the monthly costs as rental and ownership units:
   - This criteria is **favourable**, since the units would be significantly more affordable as ownership units than the existing rentals.

Accordingly, the proposal does satisfy some of the evaluation criteria established by staff to assess the merits of proposed condominium conversions. However, the proposal does not satisfy one of the most important factors since the vacancy rate for the Mountain Zone for apartments with six units or more is less than 2.0% and has been since 1996.

In addiiton, although the vacancy rate for two-bedroom units within the Hamilton Mountain zone is recorded at 0.9%, only 6 of the 22 units within the building are two-bedroom. As such, removal of these 6 two-bedroom units will not adversely affect the supply of affordable rental housing in the City.

To conclude, the proposal does not meet the criteria as established by City Council in the evaluation of RHPA applications.

IMPACT ON EXISTING TENANTS:

Some of the anticipated impacts on existing tenants have been noted in the preceding discussion. There is a supply of vacant alternative rental apartment units within the City of Hamilton. In addition, the landlord has indicated that tenants can continue to rent their units indefinitely if they so desire.

TENANT CONCERNS:

The owner had met with the tenants prior to the submission of the RHPA application to the City of Hamilton in August, 1997. The owner noted that tenants were generally satisfied with the proposal at this time.

An information meeting was held on February 16, 1998 to discuss the application with the tenants. However, none of the tenants chose to attend the meeting nor has there been a single telephone call from any tenant to City staff regarding this application.

COMMENTS FROM OTHER CITY DEPARTMENTS:

For the information of the Committee, the application was circulated to various agencies for comments. The comments received were as follows:

- Building Department:
  "1. The recognized use is a twenty-one (21) unit multiple dwelling and one (1) medical office with a total of twenty-six (26) parking spaces contained within the building and at grade in the rear.

  2. The proposed use of a twenty-two (22) unit multiple dwelling requires a minimum of twenty-eight (28) parking spaces and one (1) loading space (3.7m x 9.0m x 4.3m)."

- Treasury Department:
  "OK, Realty Tax paid to date."

- Law Department:
  "no comments."

GENERAL COMMENTS:

City Council may approve the application through Regulation O.Reg. 524/94 of the Rental Housing Protection Act if, in Council's opinion, the removal of these 22 rental apartment units will not adversely affect the supply of affordable rental housing in the City. Based on a review of several rental housing market indicators, the removal of these units will adversely affect the supply of affordable rental housing in the City since the vacancy rate on the mountain is less than 2.0% (1.66%) for apartment of 6 or more units in the Hamilton Mountain Zone.

For the information of the Committee, the Rental Housing Protection Act will be repealed upon Royal Assent of "An Act to Consolidate and Revise the Law with respect to Residential Tenancies". The Provincial Government has indicated that proclamation of the legislation will occur this Spring, in April. Outstanding Rental Housing Protection Applications, such as this one for 893 Concession Street, are to be completed recognizing the criteria previously established by Regulation to the Act.

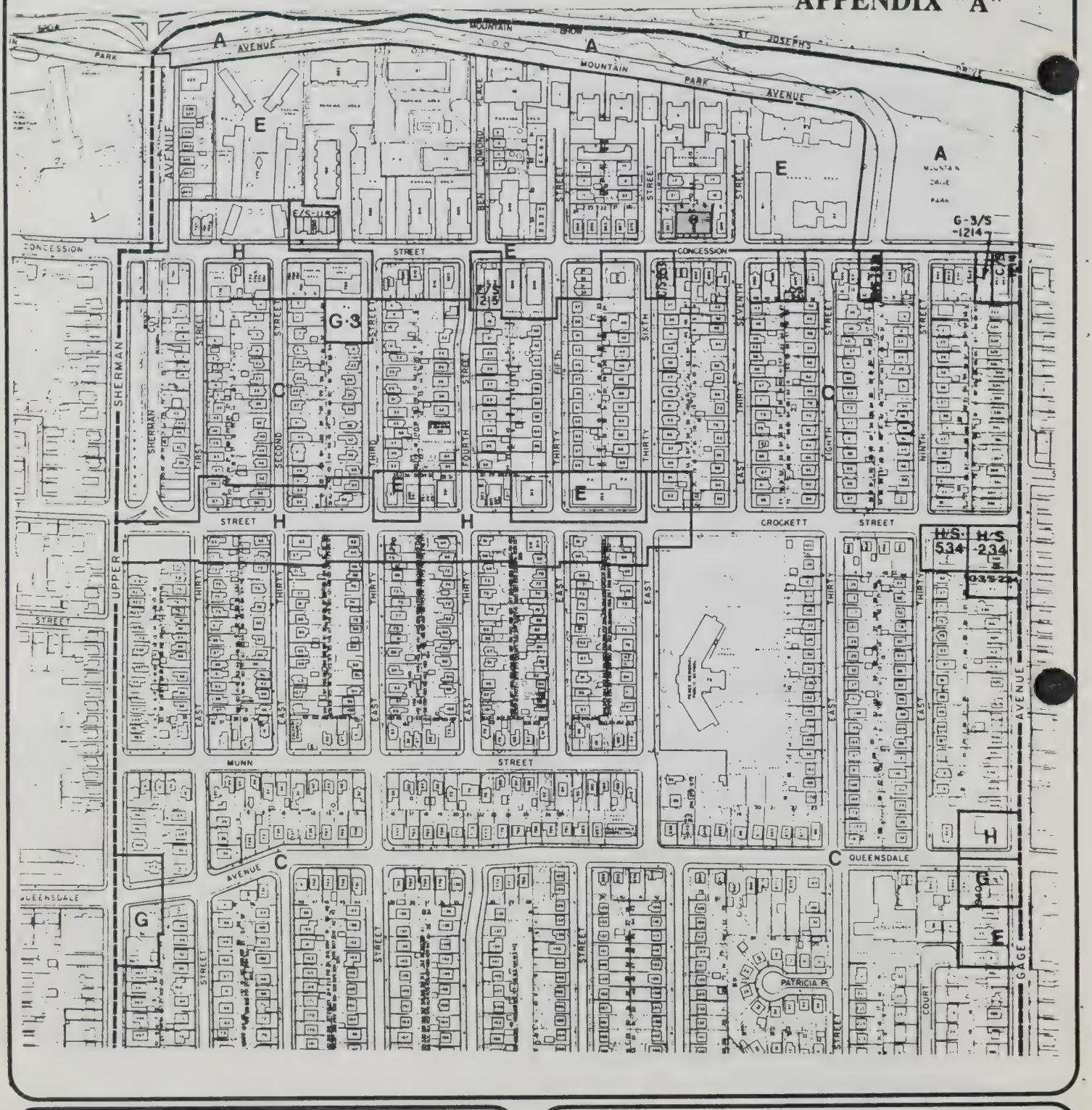
CONCLUSION:

On the basis of the foregoing, the application cannot be supported. The proposed conversion to condominium of the 22 rental apartments units will cause an adverse impact on the supply of affordable rental housing in the City of Hamilton and the Hamilton Mountain.

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APPENDIX "A"



City of Hamilton

Key Map

Rental Housing Protection Act

893 Concession

Planning and Development Department

Legend

Location of Subject Lands

North	Scale	Reference File No.
	Not to Scale	CD-97-003
	Date	Drawn By
	August 1997	R.L.

Tabled
App'd by Committee 1998 March 4

App'd by Council

9.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 February 12

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Historic Core of McMaster University: University Hall, Hamilton Hall, Wallingford Hall, the Refectory, Edwards Hall and Alumni Memorial Hall - Designation under the Ontario Heritage Act

RECOMMENDATION:

a) That approval be given to the Intent to Designate the historic core of McMaster University at 1280 Main Street West, specifically, University Hall, Hamilton Hall, the Refectory, Wallingford Hall, Edwards Hall and Alumni Memorial Hall and the landscaped open space extending north-south from the ravine edge to Scholar's Road and east-west from Edwards Hall to Wallingford Hall, as a property of historical and architectural value, as outlined in the Reasons for Designation attached hereto and marked Appendix "A", pursuant to the provisions of the Ontario Heritage Act, 1997, Part IV; and,

b) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1997.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: n/a

BACKGROUND:

It should be noted that the above recommendation pertains to the buildings and open space which comprise the historic core of McMaster University. A new University Centre of 105,000 square feet is currently being proposed as in-fill construction in this historic core area.

The Committee clearly stated that they supported McMaster's decision to provide a new University Centre and that their main concern was with the building's proposed location within the historic core.

It should also be noted that designation under the Ontario Heritage Act does not protect buildings permanently against demolition but rather provides, with Council approval, a 180-day delay of demolition. Nor does the Ontario Heritage Act prevent alterations to a designated building but does have a provision known as a Heritage Permit whereby Council may approve proposed alterations.

LACAC at its full committee meetings, at its Research Sub-Committee meetings and on site visits has reviewed and evaluated the historic core of McMaster University on twelve occasions.

On 1998 February 11, LACAC viewed the two current proposals for the new University Centre--Option C proposes an entirely new free-standing building replacing Alumni Memorial Hall and Option A/C proposes adding two wings onto Hamilton Hall, one at its south-east side and another on its west side.

After this lengthy deliberation, LACAC has come to the following conclusions:

(1) That the historic core of McMaster University is of architectural and historical significance and worthy of designation;

(2) Given that the Committee's mandate is to preserve historically and architecturally significant buildings, LACAC's first preference is to find a site for the new University Centre outside of the historic core of the campus, i.e., not Options A, C, or A/C, in order to preserve the architectural integrity of Hamilton Hall, University Hall, the Refectory, and Alumni Memorial Hall and their setting;

(2) If LACAC would have to make a choice between Option A/C and Option C, the Committee would prefer Option A/C in that it doesn't result in the demolition of any historic buildings. Committee Members, while they could not endorse the Option A/C in its present form, were open to the possibility that some kind of compromise solution could be achieved at this site;

(3) LACAC could not support Option C at all because of the loss of Alumni Memorial Hall and its setting.

The President and Vice-Chancellor of McMaster University, Dr. Peter George, has been advised of LACAC's concerns both informally and by registered letter. Another registered letter will be sent to him today, 1998 February 12, advising of LACAC's recommendation and the consideration of this matter at the Planning and Development Committee meeting on 1998 February 18.

Chronology:

1997 October	McMaster announced a review of four optional sites for the new location of the proposed University Centre. Subsequently, the four sites were reduced to two sites, one of which--Option (C)--called for the demolition of Alumni Memorial Hall for the new structure.
1997 November 11	A letter requesting the designation of Alumni Memorial Hall was sent to LACAC by Dr. Norman Shrive, a McMaster alumnus and former professor, who was actively engaged in the planning and fund-raising for this building in the late 1940s.
1997 November 24	At a special meeting, LACAC evaluated Alumni Memorial Hall as well as the five other original buildings comprising the historic core, inclusive of open space, to be eligible for designation under the Ontario Heritage Act. All buildings were listed on the Inventory of Buildings of Architectural and/or Historical Interest for the City of Hamilton.
1997 December 15	Letter from LACAC to McMaster President and Vice-Chancellor, Dr. Peter George, requesting a meeting with him and the Board of Governors to discuss McMaster's historic core.
1998 January 12	LACAC requested Staff to prepare the Reasons for Designation (attached).
1998 February 2	Registered letter sent from LACAC to Dr. Peter George advising that the Committee is currently considering recommending designation of the historic core of the campus.
1998 February 9	Meeting of LACAC with Dr. George, Mr. Ivison, Chair, Board of Governors, Mr. Soomet, Chair, Planning and Building Committee, Mr. Darling, Vice-President Administration, and Ms. Howard, Director of Public Relations.
1998 February 11	LACAC made site visit to McMaster campus to view the new design proposals by architects Moriyama and Teshima for the University Centre for Site Option A/C and Site Option C. The Committee subsequently met at City Hall and, after extensive discussion, approved the above recommendation.

attached

cc Mayor R. M. Morrow
Victor Abraham, Director, Planning and Development Department
Nina Chapple, Planning and Development Department
Patrice Noé Johnson, City Solicitor
Dr. Peter George, President and Vice-Chancellor, McMaster University

APPENDIX "A"

McMaster University: Historic Core
(University Hall, Hamilton Hall, Wallingford Hall, Edwards Hall, The Refectory and Alumni Memorial Hall)

REASONS FOR DESIGNATION

CONTEXT (Present Setting and History of the Site)

The historic core of the main campus of the present-day McMaster University comprises a cluster of five Collegiate Gothic brick and stone buildings opened in 1930 (University Hall, Hamilton Hall, the Refectory and two residences) and Alumni Memorial Hall, built 20 years later in a similar style. Placed informally in partially enclosed quadrangle configurations, these stylistically unified buildings loosely follow the irregular edge of the heavily wooded ravine area forming the northern boundary of the campus. Though not part of the original complex, the modestly scaled Alumni Memorial Hall fits unobtrusively into its setting, standing on a triangular pocket of sloping land bounded by the ravine to the west, University Hall and Hamilton Hall to the south, and Edwards Hall to the east. The open space between the buildings and bordering the ravine is landscaped with grass, trees and a network of footpaths. With the exception of the greenhouse added in the late 1960s, the historic core has essentially retained its original character, notably, the harmonious relationship between the buildings and landscape.

The planners for the original Hamilton campus of McMaster University envisaged a seat of higher learning set in parklike surroundings. This concept was developed as part of a larger beautification scheme spearheaded by Thomas B. McQuesten, an influential member of the City's Board of Parks Management. Largely implemented between 1927 and 1932, this scheme also encompassed a wildlife sanctuary around Cootes Paradise, nature trails, a rock garden and other landscaped areas which together make up the present-day Royal Botanical Gardens, as well as a grand north-western entrance to Hamilton with a monumental high level bridge over the Desjardins Canal.

The original landscaping plan for the McMaster campus was prepared by Dunnington-Grubb, one of Ontario's foremost landscape gardening and design firms. As recommended by Dunnington-Grubb, and endorsed by the Parks Board, the first buildings were carefully sited to take full advantage of the natural setting, described at the time as "one of the most beautiful natural ravines in Canada"*. Only the two large central academic buildings, Hamilton Hall and University Hall, were primarily oriented towards King and Main streets to the south: the latter, with its dominant corner tower, provided a strong visual terminus to University Avenue, once the principal approach to the campus. Plans to beautify the City-owned lands south of the campus

included a sunken garden between King and Main (built according to plans prepared by Dunnington-Grubb and removed for the construction of the Health Sciences Complex).

* McMaster University, Hamilton, Ontario", *Construction*, November 1930, p. 373.

HISTORY (Institution and Buildings)

McMaster was founded in 1887 in Toronto as a small Baptist university devoted to arts and theology, named after its founder and first benefactor, Senator William McMaster. A campaign to bring McMaster University to Hamilton, launched by a Citizens' Committee and headed by local businessman William J. Westaway, concluded successfully in 1927. McMaster then accepted the City's offer, which included the donation of a magnificent site just west of the emerging suburb of Westdale; landscaping to be undertaken by its Parks Board (both on the campus and the adjacent lands south of King Street) and a gift of $500,000 from the citizens of Hamilton to build a science building.

The transplanted McMaster University re-opened in 1930 with Howard P. Whidden as its first chancellor and a combined faculty and student population of about 650. It soon ranked as one of the principal institutions of higher learning in the province, along with the University of Toronto, Queen's University (Kingston) and the University of Western Ontario (London). McMaster retained its Baptist affiliation until becoming a non-denominational institution in 1957.

The original cluster of five buildings, all erected in 1929-30, comprised University Hall (arts and administration building), which included a library and auditorium (Convocation Hall), Hamilton Hall (science building), Edwards Hall (men's residence), Wallingford Hall (women's residence), the Refectory (dining hall and central heating plant). Fund-raising for an ambitious scheme to build a large student recreation centre, that would also serve to honour the 54 students and graduates who lost their lives in the first and second world wars, was begun in 1946. Three years later, when the funds pledged by alumni and undergraduates still fell far short of the total required, it was decided to proceed with a scaled-down version on a different site. Completed in 1951, Alumni Memorial Hall originally housed a cafeteria (the Buttery), men's and women's lounges, a common room (the Great Hall) and offices for the Alumni Association.

ARCHITECTURE

Designed by the noted Hamilton-born, Toronto-based architect, William Lyon Somerville, in association with J. Francis Brown & Son, the original five buildings rank as very good examples of the Collegiate Gothic style. The architects followed a precedent established for new buildings on other Canadian university campuses, which took their inspiration both from the medieval colleges of Oxford and Cambridge and the late 19th/ early 20th century American campus buildings influenced by this tradition (notably, Princeton University). The McMaster buildings

are included in a brief national survey of Collegiate Gothic architecture, along with several earlier Canadian examples: various buildings for Victoria College, and Hart House (1911-24) at the University of Toronto, the College of Agriculture at the University of Saskatchewan (1910-12) and the Science Building at the University of British Columbia (1914-25).* The two main buildings, University Hall and Hamilton Hall, were described by the art historian and McMaster graduate, Robert Hubbard, as "probably the best Gothic group in Canada", after parts of Victoria College and Hart House.** They are distinguished by their stone exteriors: rock-faced ashlar with dressed stone trim and carved ornamentation. The other four buildings are brick masonry with stone trim. All pitched roofs are covered with slate; and the original windows were all leaded glass casement windows.

* Harold Kalman, *A History of Canadian Architecture*, vol. 2 (Oxford University Press: 1994), pp. 706-711

** R.H. Hubbard, "Modern Gothic in Canada", *National Gallery of Canada Bulletin*, vol. 25 (1975), pp. 3, 15.

Inspired by the 15th century Magdalen College at Oxford University and reminiscent of Hart House, University Hall is the most architecturally distinctive of the original McMaster buildings. This three-storey building with a rear wing housing Convocation Hall is notable for its buttressed corner tower with a Tudor archway, crenellated parapet and carved stone finials, its picturesque roofline created by the projecting gabled third-storey windows and chimney stack, its varied fenestration (including some stone tracery, an elaborate two-storey bay window on the tower and an oriel window), and its dignified main entrance. This raised entrance portico features a pointed archway with decorative wrought-iron doors, an ornate carved stone surround and a crenellated parapet bearing the University crest.

University Hall also has the finest interior space: the large auditorium known as Convocation Hall, which was designed in the tradition of English college halls. The main space is divided into seven bays, articulated by Tudor-arched wood trusses sprung from stone corbels (representing the heads of famous scientists and philosophers) to support an oak-panelled ceiling. Rising between the corbels are tall leaded-glass Gothic windows with stone tracery and frames. The rear of the auditorium features a balcony supported by four octagonal columns with a solid paneled oak balustrade and a set of three double wood doors leading to the stair hall. At the front, the Tudor-arched opening of the proscenium focuses attention on the impressive stained-glass Gothic window above the platform: the Bunyan Memorial Window.

The adjacent Hamilton Hall, an L-shaped 3-storey building, is similar in construction and exterior detailing to University Hall but has a somewhat more utilitarian character, in keeping with its original function as a science facility. Notable features include the crenellated parapet of the predominantly flat roof, the very large casement windows on the first and second floors (laboratories and lecture rooms), the carved stone oriel window with its sundial, and the entrance portico with its pointed archway, wrought-iron gates, and stone carvings symbolizing the joint McMaster/Hamilton project and representing the various sciences.

The two residences: Wallingford Hall (for women) and Edwards Hall (for men), though differing in size and layout, are very similar in their exterior treatment. Both have Tudor-arched doorways with cut and carved stone surrounds, casement windows with cut-stone surrounds, and picturesque rooflines with tall gables and chimneys. Wallingford House also features two-storey bay windows and an oriel window over the east entrance (all constructed of stone).

The Refectory, though similar in its massing and materials to the residence buildings, has a more domestic "Arts and Crafts" character, with stone used sparingly for plain capstones and sill courses. It features a prominent steep-pitched roof surmounted by a cupola (over the dining hall), buttressed walls, two open wood porches with steep gable roofs (west and north facades), and two tall bay windows. The spacious dining hall is notable for its impressive open-truss, wood-panelled ceiling with the original hanging globe light fixtures.

Built in 1949-51, Alumni Memorial Hall was sensitively designed by the architects (Bruce Brown and Brisley in collaboration with W.L. Somerville) to complement the style of the original buildings, respect their siting and take full advantage of the ravine-edge setting. Built on a sloping site, this T-shaped 1 1/2 storey brick masonry building has an above grade basement on the west facade, allowing for panoramic views of the ravine from both the main hall and dining room below. In its overall massing and detailing, Alumni Memorial Hall, most closely resembles the Refectory and, except for the elaborate front entrance, possesses the same domestic character. The projecting entrance porch, with its Tudor archway, cut-stone surround and recessed Tudor-arched doorway serves as a visual focal point for visitors approaching the building via the long straight pathway from Scholar's Road. The double glazed wood doors lead directly up a small flight of stairs to the impressive main hall with its high wood-panelled truss ceiling and stone fireplace.

DESIGNATED FEATURES

The boundaries of the designated property extend from the west side of Wallingford Hall to the east side of University Hall and Edwards Hall and from Scholars Road to the ravine edge and the north side of Edwards Hall; it also includes Hamilton Hall and Alumni Memorial Hall.

Important to the preservation of the cluster of five original buildings and Alumni Memorial Hall are:

- the original architectural materials and features of the facades and roofs of all six buildings, including the stone ashlar and brick masonry walls; cut stone door/ window surrounds, mullions and tracery; stone entrance steps, carved stone ornamentation, wrought-ironwork (notably the entrance doors of University Hall and Hamilton Hall).
- the landscaped open space within the boundaries defined above, including the low stone wall with the Tudor archway linking University Hall and Edwards Hall.

Excluded are:
- the brick masonry entrance and stairwell addition to the south facade of the Refectory, providing access to the basement cafeteria/pub (1964-5).
- the glazed bridge connection to Gilmour Hall on the north facade of the tower of University Hall (1970-71).
- the greenhouse between the Refectory and Hamilton Hall (circa 1968).
- ancillary service and utility structures.

Also important to the preservation of University Hall, the Refectory and Alumni Memorial Hall are the interior spaces identified respectively as Convocation Hall, the Refectory Dining Hall and Memorial Hall and all of their original architectural finishes and features.

9a)

Dear Council Members,

I am writing in regards to the move by Hamilton City council to place Alumni Memorial Hall at McMaster University under the protection of the Ontario Historical Protection Act. I am a Mechanical Engineering and Society Student currently attending McMaster University. I support, and applaud this move by Hamilton City Council to protect this landmark at McMaster, which is very much a part of the University's and Hamilton's heritage.

Alumni Memorial Hall is one of the older buildings at McMaster. It is also the most beautiful building on campus. The inside of the building is extremely beautiful. Everyone who has ever been inside, has commented on it's extreme beauty, and fine craftsmanship, something you no longer see in construction. It also contains the war memorial to the men, and women of McMaster who went to war, to fight for our freedom, and gave the ultimate sacrifice, so that we may be free. It contains a window that was in senator McMaster's house. It is the site where many companies hold on-campus recruiting, it is also used for many other formal occasions such as weddings. The MSU, and McMaster university have said that they will preserve the important parts of this building in the new student centre, if it is built on this site. However I have seen buildings where this has happened, and they are for lack of a better word "hideous".

The building itself is located halfway between the Academic Buildings at Mac, and the North Quad residences. To all the students here at Mac this building, and the area around it holds special importance. I have lived in a McMaster Residence for three years now. Some of my fondest memories of these last three years have been at, or around Alumni Memorial Hall. In the warm weather it's an area where students hang out, relax, and reflect on life. In the winter it is where snowball fights occur, and the hill behind it is used for tobogganing. It is where my residence held its 25th anniversary celebration, an event attended by current, and past students. The area around the building is used for numerous events during Welcome Week (the first week of school). There are many events held in the hollow located behind the building, everything from concerts, to movie nights, to air bands.

In conclusion I would just like to say that I would like to see this building receive historical protection, because I feel it is a very important part of McMaster's, and Hamilton's heritage, and also an important part of the McMaster community. Thank you for taking the time to read my letter.

Sincerely,
Cyrus M. Jeejeebhoy
Mechanical Engineering and Society

To: Stella Glover
From: Cyrus M. Jeejeebhoy
Subject: Alumni Memorial Hall McMaster University

Myself. and another person would like to make a presentation at the council meeting on planning on Wed. March 9/98 regarding the proposal to make Alumni Memorial Hall at McMaster a historic site.

961

February 26

Ms. Stella Glover
Secretary, Planning and Development Committee
City of Hamilton

Dear Ms. Glover:

I understand that next week your committee is to consider the question of whether the so-called "historic core" of McMaster University should be designated under the Ontario Heritage Act. I support such action and I attach for your information a copy of a letter which I wrote recently on the subject of the siting of the proposed University Centre. The Site C , which I refer to in my letter as deserving of protection, comprises a large part of the historic core. I hope you will copy my letter to the committee.

I note by way of presenting my credentials that I served as the University's representative on the City's urban renewal committee in 1970-71 and chaired the Ancaster Planning Advisory Committee in 1973. As I note in my letter, I have taught urban planning for a number of years.

Sincerely

Leslie J. King

Leslie J. King

Mr. U. Soomet
Chair, Planning and Building Committee
McMaster Board of Governors

February 20, 1998

Dear Mr. Soomet:

I have read copies of the letters that you have received recently from Professors Jenkins and Petric on the subject of the University Centre. I believe that they convey very well a strong sense of the anger and frustration felt at present by a significant number of members of the McMaster community towards the proposals for the Centre now on display and towards the process that has produced them. I share the concerns expressed by my two colleagues and fully endorse their letters.

One of my fields of interest and expertise is urban planning and for the past several years I have taught third and fourth-year undergraduate courses on the subject. In the literature and the practice to which I refer in my teaching, increasing attention is being paid to the concepts of **sustainable development** and **sustainable communities**. The arguments on these themes are often fuzzy but they are expressive nevertheless of an awareness, more deeply felt than in the past, that in the planning and management of our communities we have a responsibility to future generations and to the well-being of the communities in which they will live and work.

The Hamilton-Wentworth Regional Council acknowledged this responsibility in 1994 when it adopted its new Official Plan, **Towards a Sustainable Region,** that was shaped in part by the recommendations of the earlier **Vision 2020** report. Later that same year, Council also adopted the final report of the **Renaissance Project** with its plans for the implementation of the Vision 2020 agenda. In the development of these different reports and plans, McMaster faculty, staff and alumni played important roles and it is hardly surprising that in the Renaissance Project report the University is acknowledged as "a major partner with exceptional resources and research to facilitate and support the environmental strategy of the community."

We can do more; we can lead by example in the fashioning of a sustainable community. The Centre must be built; but the splendid commitment to the project by earlier classes and the present class of students must not blind the University to its over-riding responsibilities towards all of the future generations who will work and study and visit on this campus.

The Centre can and should be built without the destruction of, or any infringement upon, the physical and built environment that is identified as Site C. That precinct is a far too valuable part of our legacy to the future for it not to be protected. I urge you and your committee to acknowledge this responsibility and to recommend to the Board that the Centre be built elsewhere on campus.

Yours sincerely,

Leslie J. King

Leslie J. King Ph.D., F.R.S.C.
Professor of Geography

cc. Dr. P. J. George
Mr. D.A.S. Ivison
Drs. Jenkins, Petric, Beattie

9c)

Jaskula, Sherk, Flaherty & Weston
Barristers and Solicitors

TELEPHONE 905-577-1040
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JOHN L. JASKULA, Q.C. (1957-1989)
CHRISTOPHER B. SHERK, B.Sc., M.B.A., LL.B.
L. CHARLES FLAHERTY B.A., LL.B.
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COUNSEL: BRIAN W. B. MORISON Q.C., LL.B, LL.M

BRIAN W.B. MORISON
TELEPHONE: (905) ~~528-8311~~ (905) 628 3360
FACSIMILE: (905) 528-1160

February 25, 1998

F

FAX TO: 546-2095
Alderman Frank D'Amico
Chairman Planning & Development Committee
City Hall
Hamilton, Ontario

A

Attention: Stella Glover, Secretary

Dear Ms. Glover:

Re: McMaster University Proposal
to Demolish Existing Buildings
and Replace with a Student Centre

X

I understand that this matter is coming before the Planning and Development Committee also on March 4th. I am in support of the proposal to make the core buildings of McMaster a heritage site. I am opposed to the destruction of the memorial building as it was constructed in memory of the McMaster grads who were veterans of the major conflicts of the past 50 years.

As a veteran I oppose the destruction of this memorial. I wish to speak at the meeting if the matter comes up on March 4th.

Yours very truly,

Brian Morison

BRIAN W.B. MORISON

called 1998 Mar 19 2:07 left message

BWBM/mjk

9d)

Westinghouse Canada Inc.

Power Generation Canada
PO Box 2510
Hamilton, Ontario L8L 6E6,
(905) 528-8811

Date February 25th, 1998

To: Stella Glover

Planning and Development Committee

Phone
Fax Phone **546-2095**

From:

Derek Clark
Combustion Turbine Engineering Dept.

Phone **(905) 528-8811 x3097**
Fax Phone **(905) 528-7302**

Good Morning Stella,

I am a McMaster University engineering student currently working on an industrial internship. I have just been informed that there may be plans to demolish the Alumni Memorial Hall (Faculty Club) in order to create the space needed for the new university student centre.

I am writing this letter to show my objections to this demolition. I believe that the Alumni Memorial Hall is a beautiful part of the McMaster University landscape and should be protected under the Heritage Protection Act by all means. I am told that there is an alternative site for the new student centre, thus I believe the choice of site is clear.

The destruction of this historical building also destroys part of the history of the university. McMaster is known for it's beautiful campus and destroying part of it will in turn destroy part of its beauty. Please protect this historical treasure.

Sincerely,

Derek Clark

Derek Clark.

9e)

ONTARIO HERITAGE FOUNDATION
FONDATION DU PATRIMOINE ONTARIEN

FEB 17 1998

VIA FAX AND MAIL

February 17, 1998

Corporation of the City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Attention: Frank D'Amico, Chair
Planning and Development Committee

Dear Mr. D'Amico:

Re: McMaster University - Designation recommendation of the historic core

The Ontario Heritage Foundation is a not-for-profit agency established by the Province of Ontario in 1967. It operates under the *Ontario Heritage Act*, R. S. O. 1990. It is dedicated to the preservation, protection and promotion of Ontario's cultural and natural heritage resources and the promotion of sound conservation practices.

We are writing to you today, on behalf of the Foundation, to express concern for the future of the six buildings and their unique setting which are the historic core of McMaster University. Recently, it has come to our attention that this site on the campus is being considered for heritage designation. At the same time, various options are being examined for its redevelopment.

What provides a particular site with heritage value depends upon the attributes of that site and how they inter-relate to each other. In some cases, the value is derived solely from the architecture. In others, it comes from the natural or open space qualities.

../2

10 Adelaide Street East, Toronto, Ontario M5C 1J3 Telephone: (416) 325-5000 Facsimile: (416) 325-5071
10, rue Adelaide est, Toronto (Ontario) M5C 1J3 Téléphone : (416) 325-5000 Télécopieur : (416) 325-5071

Across Ontario there are special places of value where the architectural environment and the surrounding setting form an integrated, cohesive cultural landscape. The historic core of McMaster is just such a place. This complex of six buildings and open spaces, which are configured to inter-relate with the adjacent natural beauty of Cootes Paradise and its ravines, is a significant cultural landscape. In particular, it demonstrates how an architectural environment which is unified in style, scale, massing, texture, materials and configuration can be integrated with a natural setting to create a cohesive landscape that fosters academic excellence.

We hope that the direction chosen for re-developing McMaster University recognizes and respects the integrated nature of this complex of buildings, open spaces and natural setting. The key to their ongoing heritage value lies in their continuing inter-relationship. Certainly, one step towards preserving and promoting the heritage qualities of a site is to designate it under the *Ontario Heritage Act*. The Act provides a means to identify and recognize the value of local landscapes, as well as a level of protection against unsympathetic change.

The Foundation recognizes that the City of Hamilton has a long and proud history of supporting the conservation of its cultural and natural heritage resources. We are confident that the City will continue to promote sound conservation principles to protect its valuable heritage sites in this and other planning matters.

Yours truly,

Mary Ellen Hebb/per: JF

Mary Ellen Hebb
Co-Chair, Heritage Programs Committee
Board of Directors, OHF

Lesley Lewis

Lesley Lewis
Executive Director

c.c. Stella Glover, Secretary, Planning and Development Committee
Nina Chapple, Architectural Historian, Planning and Development Department, City of Hamilton



9F)

THE ARCHITECTURAL CONSERVANCY OF ONTARIO
HAMILTON REGION BRANCH

12 February 1998

D.A.S. Ivison
Chair of the Board
Board of Governors
McMaster University
University Hall, UH-115
1280 Main St. West
L8S 4L8

Dear D.A.S. Ivison:

It is with great regret that I am writing in response to the letter distributed on October 14th, 1997 by University President Peter George, referring to the Moriyama & Teshima's, ***University Centre Study: Preliminary Commentary*** .

The Hamilton Region Branch of the Architectural Conservancy of Ontario Inc. (ACO) is opposed to the present course of development as proposed by the current McMaster University (McMaster) administration. The designs submitted by the architects, *Moriyama & Teshima*, will result in the irreversible destruction of a portion of the architectural heritage of McMaster, the City of Hamilton, and the Province of Ontario. The proposal put forward by *Moriyama & Teshima* will lead to the destruction of a significant architectural gem, the Alumni Memorial Hall, and will also result in the permanent degradation of the architecture of the adjacent buildings and landscape.

There is a need for a modern student centre, but not at any of the proposed sites, A through C. The ACO questions the process of site selection and its impact on the core of buildings and landscaping developed between 1929 and 1951. The sanctity of the Collegiate Gothic buildings and their immediate environs is paramount. Any proposed development in this area of the campus, either built or landscaped, should have heritage impacts as the primary consideration. The relationship which exists between these structures and their surrounding landscape should have been foremost in the minds of McMaster administration when issuing their initial directives to their advising architects. The current scale of the proposed structure will permanently destroy the original architectural planning of the original core buildings and landscaping.

The present leadership of McMaster seem to have forgotten, or chosen to ignore the development history of the campus as a whole, and its immediate neighbour to the east, Westdale. Their decisions regarding the proposal under consideration will result in both immediate and long-term impact, which stretches beyond the confines of the campus proper. McMaster and Westdale compliment each other and are integral components of a much grander vision, the evidence of which first appeared in the planning of the early 1920's.

That vision culminated during the mid-1930's in a series of planned beautifications for the City of Hamilton's West End. Landscapes, neighbourhoods and structures were developed in a sweeping arc stretching from the RBG, past the York Street Bridge, around Cootes Paradise and terminating on the west side of campus. This vision grew out of the "City Beautiful Movement" which had spread throughout the English speaking world by the time it had reached fruition in Hamilton.

McMaster and Westdale have common roots, each of which stems from the City Beautiful Movement. The direct involvement in the development of those roots by the architect William Lyon Somerville, a native son of Hamilton, was twofold. First, the plans for the first major development effort of present day Westdale were conceived and nurtured in part by Somerville. Second, the plans for the Hamilton campus site of McMaster, from its earliest conception involved Somerville.

The common roots of McMaster and Westdale also stem from the direct involvement of local individuals such as the nationally respected industrialist, W.J. Westaway, and the provincially prominent politician, T.B. McQuesten. The decision to move from the old City of Toronto campus to the present City of Hamilton campus a collaborative and protracted process with final approval coming from McMaster administration, prominent individuals such as Westaway and McQuesten, and alumni. The various alliances that developed at that time and continued for decades ensured that initial local support and future development was not limited simply to revenue generation. Significant contributions came in the form of donated lands by the local developers of Westdale. This alliance ensured that McMaster received the land that it initially required, as well as setting the pattern for further land accruals in 1939, and the late 1960's. Therefore, it should come as no surprise that this pattern of planned progressive development was first established, and then nurtured by McQuesten and Somerville. Both men were long time proponents of the benefits a city could derive from a planning process adhering to the ideals and goals espoused by the international advocates of the City Beautiful Movement.

The selection of the present campus site was made after carefully considering the campus' relationship to the immediate environment. That environment includes the adjacent nature preserve, that is part of today's Royal Botanical Gardens, and the developing Westdale neighborhood. The carefully considered selection of collegiate gothic as the architectural style for the early buildings would eventually set the tone for the residential architecture of Westdale. The institutional and residential architecture, the campus and residential landscape, and streetscapes are all consistent with the trends and styles in use across North America at that time. Westdale itself represents one of the first self-contained planned community developments in the Province of Ontario. The integration of the campus with both the neighbourhood and the entire west end of the City of Hamilton makes this a unique area in Canada.

The architecture of the Alumni Memorial Hall has a story to tell as well. The architects, Bruce Brown & Brisley; W.L. Somerville, associate architect, did not simply select a style that would honour McMaster's Alumni who were war veterans. The architects chose a style honouring both the adjacent architecture and the Chapel of the old McMaster campus in the City of Toronto. The Chapel is one of that campus's most distinctive structures. Designed in the early 1890's by the respected Toronto firm of Burke and Horwood, the Chapel represents a lushness typical of late 19th Century Gothic Revival style. Overall, the exterior treatment of the Alumni Memorial Hall was the more restrained Gothic Revival style typical of the 1930's, this despite the building having been designed and constructed in 1951. However, the interior retains all of the warmth and reverence as well as the attention to detail and workmanship exhibited by the earlier Chapel. It is truly a unique building while at the same time it is in harmony with it's neighbours.

The ACO strongly urges the present McMaster University administration to reopen the site selection process. There exists at present other sites on campus which do not appear to have been studied, or at least acknowledged publicly as having been under consideration. The site adjacent to M.U.M.C. and Wentworth House does not appear to have been considered fully and may have been dismissed out of hand because of long term miscommunication between McMaster and the neighbouring home owners. As well, the site adjacent to the old Teachers College complex and the various Engineering Buildings offers an excellent site. These are but two possible alternative locations meeting ALL nine principles outlined by the advising architects, Moriyama & Teshima.

Finally, we respectfully suggest that the Board of Governors request their advising architects to inspect other campuses across North America. The University of Manitoba (UM) and the University of Western Ontario (UWO) offer two examples of the "Big Block" building advocated by the advising architects. The selection of this scale of building for these two campuses was unfortunate. In particular, the siting of the former demonstrates the lack of site planning, ruining a formal landscaped causeway and dominating the neighbouring heritage buildings in the process. The Michigan State University (MSU) Student Union building demonstrates the fruits of a successful planning process. McMaster being a moderately sized campus will be well served by the undertaking of a comparative study of MSU. MSU is one of the largest campuses in North America and has successfully integrated its built and landscape architecture with the needs of its students, faculty and alumni.

Sincerely,

Robert D. Hamilton
President
Hamilton Region Branch
Architectural Conservancy of Ontario Inc.
90 Burris Street
Hamilton, ON
L8M 2J5

Cc: Dr. H.D. Barber, Vice Chair of the Board
Cc: Dr. W.B. Frank, Secretary of the Board
Cc: Peter J. George, President and Vice Chancellor
Cc: Alderman D'Amico, Chair, Planning and Development Committee, City of Hamilton
Cc: Diane Dent, Chair , Local Architectural Conservation Advisory Committee, City of Hamilton

9g)

McMASTER UNIVERSITY FACULTY ASSOCIATION

HAMILTON, ONTARIO
L8S 4K1
HAMILTON HALL
ROOM 103A

905-525-9140,
Ext. 24682

FAX: 905-522-8320
mufa@mcmaster.ca

MUFA on the WEB
http://www.mcmaster.ca/mufa

February 13, 1998

Mr. F. D'Amico
Chair
Planning and Development Committee
City of Hamilton

Dear Mr. D'Amico

Attached are several items which you may wish to provide to members of the Planning and Development Committee. I believe that they will be useful as background information for their February 18 discussion of LACAC's recommendation that the "historic core" at McMaster University be designated under the Ontario Heritage Act.

Sincerely yours

Catherine Beattie
President

Enclosures
C:\OFFICE\WPWIN\WPDOCS\CORRESPO\DAMICO.UC

McMaster Courier

VOLUME 16, NUMBER 19 McMASTER UNIVERSITY, HAMILTON, ONTARIO DECEMBER 8, 1997

University Centre project

No shortage of opinions at town hall meeting

Opinions. There were lots of them at a recent town hall meeting on the University Centre. The one voiced most frequently was that neither site (Option A or C) proposed by architects Moriyama and Teshima is a suitable location for the long-awaited centre. The most radical one was that the student centre be located on the University Mall, in front of the Burke Science and John Hodgins Engineering buildings, an area of campus long considered sacrosanct.

About 200 people turned out for the two-hour meeting held in Convocation Hall on Dec. 2 and moderated by Urmas Soomet, chair of the University's Planning and Building Committee and of an architect selection committee that will choose the architect to design the project. University President Peter George, Board Chair Don Ivison, and vice-president administration and chair of the University Centre Steering Committee Alexander Darling were also present to hear concerns and present views and information.

In his introductory remarks to the group, University President Peter George expressed confidence in the good faith of those gathered and made it clear that he intends to keep his promise to students to help make the University Centre a priority. While no decision has been made on the location of the facility, George said that siting it in the heart of campus is critical to its success. He also said that the advantages of having such a facility would be worth the change and loss that might be experienced. He expressed no personal preference for either proposed site, and said he hadn't made up his mind on how he will vote.

Many central themes emerged from the concerns that were raised by the 15 faculty, students, staff and alumni who took their turns at the microphone: neither site location was acceptable; other site locations should be considered; the timing was inappropriate; there had been a lack of consultation and information; green space and the environment were being given short shrift; demolition of treasured campus buildings should be avoided; there were biases in the architects' report.

VIEWS HEARD

Through it all, both Soomet and Ivison provided stakeholders with strong reassurances that their views would be heard and considered by the Board in its deliberations before a final decision on site selection and architect is made, now most likely at a special Board meeting at the end of February. (The Board is expected to vote on financial and governance matters relating to the centre at its Dec. 11 meeting.)

At the same time, they expressed a commitment to proceed with the project, currently some 16 years in the making, and to maintain respect for the concerns of partners involved in the project.

One questioner, William Renwick, a professor in the School of Art, Drama & Music, challenged the moderator to call a show of hands for support for Site Option C. Soomet diplomatically declined the invitation, stating the decision of site selection was one to be made by the Board of Governors and not by referendum. "Those interested in this project are here. I'm sure a show of hands would be quite predictable," he countered.

continued on page 2

Town hall meeting reflects many opinions, suggestions

continued from page 1

Renwick also sought clarification on a remark that locations other than Site Options A and C might be considered. University President Peter George stated that only Site Options A and C or some configuration of those sites remain under consideration, despite urging from others for alternate sitings.

Materials science & engineering professor Tony Petric, questioned the use of the University's green space, which he described as one of the nicest natural settings in Ontario, for such a project. He called for a one-year moratorium on a decision to allow for more input. "Do it right and not fast," he said.

STUDENT CONCERNS

Students expressed concerns about governance and operational costs, accessibility, the centre's focus and alumni relations.

Burke Christian, representing students in the Faculty of Social Sciences, spoke of the students' contributions to the project and sought assurances that the governance structure created for the centre would be one comfortable to both groups. He also said he hopes that there won't be a heavy burden on students down the road — in the form of an extra levy to pay for operational costs.

Both Ivison and Darling assured him governance issues would be ratified by all parties. "The Board makes the decision with respect to land use, but obviously this (project) has to be a partnership," said Darling, noting that student fees collected are being held in trust; two-thirds of SRA members must vote in favour to release the funds.

Ivan Luksic, a Faculty of Humanities student on the Student Representative Assembly, went on record in support of keeping Alumni Memorial Hall where it is and intact. "People gave money for that building; to have it knocked down is setting a bad precedent for future giving." He suggested Option C be modified so it wouldn't encroach on Alumni Memorial Hall or that Site A be amended so that the facility is moved forward more on Scholar's Road.

Level IV engineering student Alex Saegert suggested another location, Site X, on the Mall south of the flag poles. The project would be centrally located, he argued, and cost substantially less to build.

His proposal to use the Mall drew support from at least two University professors: philosopher David Hitchcock and psychologist Lorraine Allan.

Hitchcock said building the centre on the space near the ravine behind Hamilton Hall "is to thrust a dagger into the heart of the most beautiful space on this campus...It would be a desecration." Both locations have serious drawbacks, he expanded, suggesting a third option: a structure in the Mall built with a lot of glass to reduce the blockage of vistas.

Allan later threw her support behind a structure on the Mall, stating that cutting down a few trees was "less a bad thing to do than getting rid of a building." She drew prolonged applause from listeners when she cautioned the Board not to move too quickly and urged them to make a good decision. "I don't think Sites A and C can get the support of everybody," she finished.

In other remarks, staff member Joyce Wignall wondered why the staff association had been excluded from the proposed centre; retired professor of civil engineering Bob Korol called for a full cost accounting of the project; alumnus Don Brennagh suggested that the new centre be named Alumni Memorial Hall if the present building, which houses the Faculty Club, is torn down; graduate student David Browne challenged the University to build a facility that is "creative beyond what you see at other universities" and is more than just a revenue-generating annex.

FAVOURITE SPOTS

Arguably the most vocal of questioners, modern languages professor and alumnus Jerry Chapple raised many concerns and said the project was causing him great pain. "The town hall meeting should've been held about two months ago," he advised. And he warned that he, "as an alumnus, will never give a red cent to the University if that site (Option C, behind Hamilton Hall and near the ravine) is violated."

In his closing remarks, President George commented that the issue is one that involves high emotions and personal stakes. He said that he, too, has many favourite spots on campus. In the end, his goal is for a reasoned decision, but it may well be that this leads to a decision that causes some concerns. In the event this happens, George says he hopes "such divisions will heal quickly."

Final remarks came from Don Ivison, who thanked presenters for the clarity of their messages and for their deep interest in the institution. "The Board will progress within the limits of human ability to make a most reasoned, sensible and objective decision — always with the long-term interests of the University at the forefront of our decision."

SUMMARY OF VIEWS ON PROPOSED UNIVERSITY CENTRE SITE OPTIONS: OCT 7- NOV 17/97

Prepared for Town Hall Meeting December 2, 1997

BACKGROUND

On September 23 1997, a workshop discussion with some potential Centre "users" regarding the proposed University Centre took place as part of an "implementation study", conducted by Moriyama & Teshima. Four site options have been prepared and presented by Moriyama & Teshima. One possible site, described as option C, entails demolition of the Alumni Memorial Hall (Faculty Club). Results of the workshop discussions as summarized by Moriyama & Teshima seem to indicate site C as the preferred option. In response to this preference, on October 2, 1997, Catherine Beattie, President of the McMaster University Faculty Association (MUFA) sent out an e-mail message on g-mufagab to invite members to read and respond to the options. Results from 47 e-mails and 7 letters indicate that there is significant opposition to site option C from the MUFA membership.

RESULTS OF RESPONSES TO MUFA E-MAIL SENT OCT. 2, 1997

Type of Correspondence: Oct. 2- Nov. 17/97

	Total	In opposition to option C	In favour of option C
E-mail Responses (Total # of Persons)	47	45	2
Letter Responses (Total # of Persons)	7	7	0
Total Responses (Total # of Persons)	54	52	2

Responses: Oct. 2/97 - Nov. 17/97

Code	Description	Number of Responses	Rank
1	History of Site C/ Alumni Memorial Hall	19	2
2	Beauty of Site C/ Alumni Memorial Hall	25	1
3	Overall Support in Opposition to Site Option C	13	3
4	Refers to Alumni That Provided Funding for Alumni Memorial Hall	8	5
5	Refers to Functions of the Faculty Club	9	4
6	Rejects Spending on University Centre, Instead Suggests Investing Funds in Other Areas	5	8
7	Proposes Other Suggestions	7	6
8	Other	6	7
9	Does Not Oppose Site Option C	2	9

* Numbers do not add up to 54, as some responses were assigned more than one code

Proposed Alternatives to Site Option C: Oct. 2/97 - Nov. 17/97

Site Option A	Site Option B	Site Option D	Other
7	0	10	19

*Some responses/persons proposed more than one alternative

WHO OPPOSES SITE OPTION C?

- McMaster Alumni
- Members/Professors in departments all over over the University
- MUFA
- Professors Emeritus
- Faculty Club of McMaster University
- McMaster University Retirees Association

WHY THE OPPOSITION TO SITE OPTION C?

- Beauty of Site C /Alumni Memorial Hall
- Functions of Alumni Memorial Hall/Faculty Club
- History of Site C / Alumni Memorial Hall

FUNCTIONS OF ALUMNI MEMORIAL HALL & FACULTY CLUB

- receptions; lectures; colloquia and similar functions; hospitality to prestigious visitors and events; plays important role in "Alumni Weekend", when we welcome Alumni, among whom are many active and potential donors to the university; wedding receptions; celebrations; means for generations of Alumni, Faculty and Staff to stay connected with the University...

- "...the Club engenders the academic vigour and collegial interaction that are a hallmark of the best universities." (Letter response, Faculty Club of McMaster University)

OTHER SUGGESTED OPTIONS

- the parking lot and tennis courts north of Togo Salmon Hall, maybe even the football field
- build addition to Hamilton Hall
- mix of existing building expansion, use of some of space below our treasured green spaces and some relocations
- south of Hamilton Hall, the originally approved area
- build on parking lot beside Gilmour Hall and erect parking garage
- Wentworth House and Daycare Centre area

Quotations selected by Catherine Beattie, from written messages and oral public statements, giving reasons for rejecting Site Option C:

Former Staff member: "It's the only place on campus that feels like a university."
Librarian: "It's the first place alumni want to visit when they come back to the campus."
Student: "That is by far my favourite part of campus. You could not improve on it. A building will only detract from it."
Student in residence: "We go there to relax. It's gorgeous. You'll take away our space."
Student in residence: "It's the best place to go for quiet reflection."
Faculty member: "The aesthetic damage, as well as the signalling of a wanton disregard of an historical legacy should be reason enough not to proceed with this unwise course of actions."
Alumnus: "You have a real treasure there [in AMH] which one comes to appreciate all the more when one has to work in so-called modern buildings like those we have at ...."
Professor emeritus: "...It would be a great loss to the University and the civic community if this building were to disappear."
Faculty members: "To allow a large new building to cut through the heart of this beautiful and historic space would be a grave mistake. No building, however well-windowed, can compensate for the loss of a splendidly peaceful and intimate open space surrounded by harmonious old architecture."
Faculty member: "Instead of demolishing the Alumni Memorial, McMaster should be displaying leadership to the local community in safeguarding a building which is well worthy of preservation for many reasons..."

Hamilton Spectator

SPEAKING OUT

Fine, old buildings are a vital link to our past

By ROBERT YATES

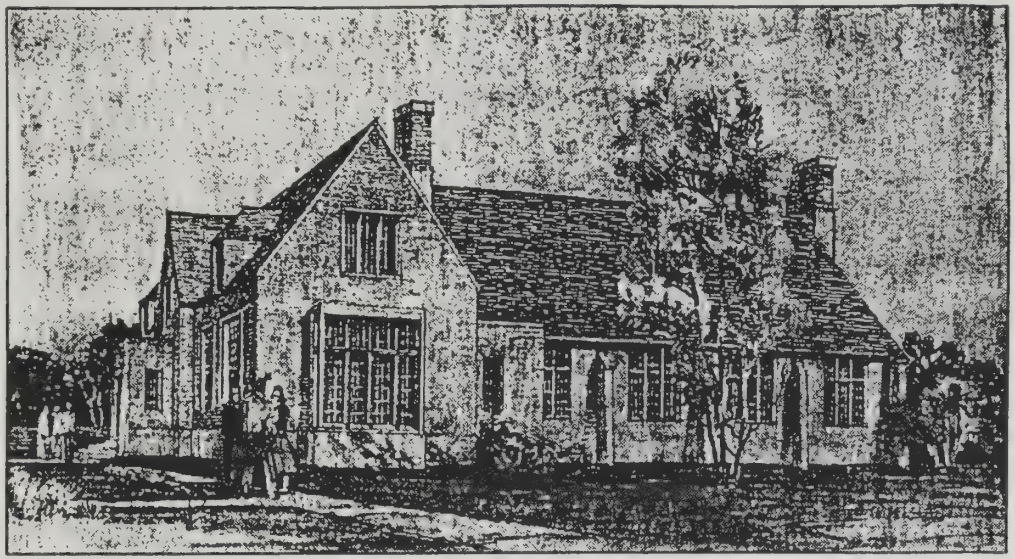
There are problems with the increasing changes underway in our society. Not only is there inadequate questioning of the introduction of many new things, but there is the loss of many old things whose continued existence would certainly help us in the long run.

One of the things currently being destroyed is continuity. This must be seriously questioned.

Valleys are paved, farms disappear, old buildings are ripped down, and social structures are rendered extinct. If each case is not thoroughly questioned, there may soon be no recognizable landmarks and no sense of a common heritage with those who lived here before us.

As everything becomes equally strange and unfamiliar for everyone, those with roots here older than Canada herself will find themselves in the same situation as newly arrived immigrants. Without exception or discrimination, everyone will feel like a stranger in a strange land. I believe in equality but I can't believe this will be good for us, either individually or collectively.

An essential part of Canada's character, perhaps the oldest part, is welcoming the new. But surely this does not mean the obliteration of everything that has gone before.



Architect's drawing of McMaster's Alumni Memorial Hall: It's threatened

Ties to past and future

The essence of a culture with depth and meaning is a relationship with both the past and the future. This relationship comes to life through the natural environment and the architecture and activities of those who lived here before we did.

When something is good, we must recognize it as such and make sure that it is not destroyed through carelessness or indifference.

When the splendid old Birk's building on the south-east corner of King and James was about to be demolished in 1972, people spoke out in vain against its destruction. Their protest was not a mindless clinging to the past in opposition to progress. It was felt that true progress must embrace the best work of those who went before. That wonderful, city-defining building is long lost to us. Had those who tried to save it succeeded, our surroundings would be far more meaningful. So would our grandchildren's.

Around the time of that demolition, the old core of Hamilton was blitzkrieged to make way for a brand new city hall, Hamilton Place, a new Art Gallery of Hamilton, Jackson Square and the convention centre.

It was suggested at the time that the Birk's building (a work of art) should be saved to house the new art gallery. That suggestion, ignored by the decision-makers of the day, is what should have been done. As is often the case, we listened to the wrong people.

The art gallery is now suffering and our downtown is sick. It is hard to believe this misfortune has nothing to do with our collective lack of appreciation for what already existed and was ours to add to caringly. We chose to erase Hamilton's old, unique character.

The settings for our lives and memories take on a depth when we realize they were also the settings of our ancestors. This depth increases threefold if we sense it will also be shared by our descendants.

The demolition of the Birk's building is one of many examples of short-sighted decisions made in the past. Advocates of this type of destructive activity have no sense of the beauty and continuity of the social fabric we are weaving together. But they are still very active among us.

Demolition at McMaster?

McMaster University is about to build a new university centre. The consulting architects recommend the demolition of Alumni Memorial Hall to clear a site for the new building.

Alumni Memorial Hall, commonly called the Faculty Club, was built to honour the memory of McMaster alumni who gave their lives in the world wars. It is not only about the past, however. This building was obviously designed and constructed with a love for the present and care for the future. It is a gem. They don't build them like that any more. It is related to Canadian institutional classics of the Gothic style.

On a beautiful site beside the woods above Cootes Paradise, it is buttressed by thousands of memories of McMaster students who experienced this one perfect detail in the fabric of our city and felt it would always be there.

And why shouldn't it? What are we doing here?

Good architects are artists whose work is capable of making a lasting contribution to our living and growing culture. Their work fits into the social fabric of our comings and goings and can be accepted as an integral part of what has gone before and of what is yet to come.

Each building should aspire to be part of our collective heritage. What is the point of building in the belief that a future builder will demolish your work in a few years? (To the consulting architects: Why do it to others if you don't want it done to you?)

This flimsy promotion of the temporary invites shoddy work because it does not embrace the idea of long-range care or community. It openly demonstrates that what we do is not meant to last, and it advocates a blindness to what we already have.

My concern here is that a building built with this attitude may soon try to replace a building that was built with care for the future, a love for the past and, above all, a love for the present.

And this action is recommended by people at our university who should know better.

We lament the passing of the familiar. We long for more connection to the place where we live. We have a desperate and growing need to live in surroundings of constant beauty and meaning. This is necessary for our health as both individuals and a society.

We must be aware of what we have and preserve it for ourselves and our posterity. We can build and add to our city in such a way that future generations will want to save what we do and call it their own.

94)

11 Roanoke Road
Hamilton, ON L8S 3P6
(905) 525-3366
13 February 1998

Ms Stella Glover
Secretary,
Planning and Development Committee
City of Hamilton

Dear Ms.Glover:

I understand that on February 18 the Planning and Development Committee will be considering the recommendations of LACAC on the designation of certain buildings at McMaster University as property of architectural and historical value. I should be most grateful for an opportunity to make a presentation of 5-10 minutes to the Committee at that time, with particular reference to the preservation of Alumni Memorial Hall.

Sincerely yours,

Alwyn Berland
(Professor Emeritus
of English, and former
Dean of Humanities,
McMaster University

9 i)

McMASTER UNIVERSITY

President and Vice-Chancellor

February 13, 1998.

Alderman F. D'Amico,
Chairman, Planning and Development Committee,
City of Hamilton,
71 Main Street West,
Hamilton, Ontario. L8P 4Y5.

Dear Alderman D'Amico:

I have received notification from LACAC of their decision to designate six buildings and the surrounding landscape as heritage properties.

My understanding is that this recommendation will go to the City's Planning and Development Committee on February 18 and, if passed by that Committee, to full Council on February 24. It is also my understanding that the process makes provision for property owners to appear before both Committee and Council in cases of recommendation for designation.

Therefore, I am making the request that McMaster University be allowed to make a presentation to both the Planning and Development Committee and to full Council. This matter is of enormous importance to the University and I would like to be present for both presentations, but am unable to attend on either February 18 and 24 because of prior commitments which will take me out of the country.

I am asking if consideration of LACAC's recommendation could be delayed by both the Committee and Council until after my return on February 28 when I will be able to attend and present the University's position. There is nothing that will happen to either the buildings or the grounds in the intervening period which would prevent LACAC's recommendation from going forward, but the delay would allow for my full participation in the process.

Yours sincerely,

Peter George

PG/df
cc: Mayor Robert Morrow
Ms. Diane Dent, Chairman LACAC

1280 Main Street West, Gilmour Hall, Room 238, Hamilton, Ontario L8S 4L8
Tel.: (905) 525-9140 Ext. 24340 Fax: (905) 522-3391 Email: presdnt@mcmaster.ca

DISTRIBUTED FOR INFORMATI
TO ME BERS OF PLANNING A
DEVEL PME IT COMMITTEE.
1998 Feb. 11 S.M. Glover
DATE SIGNATURE
cc: T. Abraham; P. Noé Johnson.

CITY OF HAMILTON

- INFORMATION -

FEB 1 1 1998

DATE: 1998 February 12

REPORT TO: Stella Glover, Secretary,
Planning & Development Committee

FROM: Stella Glover, Acting Secretary,
Hamilton Historical Board

SUBJECT: **Historic Core of McMaster University: University Hall, Hamilton Hall, Wallingford Hall, the Refectory, Edwards Hall, Alumni Memorial Hall - Designation under the Ontario Heritage Act**

BACKGROUND:

At its meeting of 1998 February 10 the Hamilton Historical Board was advised of the Local Architectural Conservation Advisory Committee discussions with regard to designation of the above mentioned property.

After consideration the Board agreed as follows:

> That the Hamilton Historical Board recognizes the the heritage interest of all of the Historic Core of McMaster University, including University Hall, Hamilton Hall, Wallingford Hall, the Refectory, Edwards Hall, Alumni Memorial Hall and the landscaped open space extending north-south from the ravine edge to Scholar's Road and east-west from Edwards Hall to Wallingford Hall, and supports the Local Architectural Conservation Advisory Committee intentions with respect to designation.

Stella Glover

cc: Dr. Peter George, President and Vice-Chancellor, McMaster University
K. Christenson, Secretary, Parks & Recreation Committee
C. Touzel, Secretary, Local Architectural Conservation Advisory Committee

9k)

FEB 23 1998

February 23, 1998

Stella Glover
Secretary, Planning and Development Committee
City of Hamilton

Dear Ms Glover,

I hope that the Planning and Development Committee will fully support the LACAC recommendation to designate the historic core at McMaster University. I am forwarding to you a letter I previously sent to the Chair of McMaster University's Planning and Building Committee, Board of Governors, in support of preserving the historic core.

Sincerely,

Herb Jenkins IKM

Herb Jenkins
Professor of Psychology, Emeritus
Former Director, Arts and Science Programme
Former Director, Engineering and Society Programme

C:\OFFICE\WPWIN\WPDOCS\COMMITTE\UNIVCEN.HJ

February 17, 1998

Mr. Urmas Soomet
Chair, Planning and Building Committee
Board of Governors
UH 115

Dear Mr. Soomet:

I write to urge you as Chair of the Planning and Building Committee to revisit the decision to place the University Centre adjacent to Hamilton Hall (sites C and A/C). That decision has brought us to the present unsatisfactory situation. We are now asked to express a preference between two site options, as developed by Moriyama and Teshima, each of which would do great violence to the architectural integrity of the historic core of the University.

The historic core of the University is well described in a recommendation from the Local Architectural Conservation Advisory Committee as consisting of a family of six buildings and the surrounding landscaped green space. The buildings are Alumni Memorial Hall, Wallingford Hall, The Refectory, Hamilton Hall, University Hall, and Edwards Hall. As you will know, LACAC has recommended that this family of buildings and their surrounding landscaped green space be designated as a property of historical and architectural value under the Ontario Heritage Act. The case they make for that designation is compelling.

Yet, consider the options we are presented with. Building on site C, part of which is now occupied by Alumni Memorial Hall, not only destroys that fine and well used building, it also dominates, divides, invades, and limits access to the historic core by erecting a structure of contemporary design that is simply out of place. Using site A/C involves building the Centre in two sections, each connected to a different wing of Hamilton Hall. This would spare Alumni Memorial Hall but not the beautiful spaces that now surround it. Moreover it too would do violence to the architectural integrity of the historic core.

I doubt that the ramifications of the decision to build the Centre adjacent to Hamilton Hall were fully foreseen when that decision was taken. Certainly the impact of that decision is now much clearer. The models on display reveal the overwhelming character of the new construction and the severe constraints on construction imposed by the configuration of the historic core itself.

The arguments for attaching the Centre to Hamilton hall have not been fully developed, presented, or discussed. It has been claimed that Hamilton Hall is at the heart of the campus, and so that is where the Centre should be. Surely a decision of this import, with its serious drawbacks, merits a more critical analysis of just how the

location of the Centre bears on the value of the Centre to the entire University community of users. That has not been done.

You will know from the Town Hall meeting of December 2nd that opposition to building on any site adjacent Hamilton Hall was expressed by several speakers and strongly endorsed from the floor. Our campus is not short of suitable space for the Centre outside of the historic core, and an overwhelming majority of those at the meeting wanted the Board to look again at that option because they felt strongly the need to preserve the historic core.

Finally, I urge you to revisit the site selection decision because, as was evident at the Town Hall meeting, many on this campus feel that the process has not been entirely open, fair and democratic. That can still be remedied, but if the Board leaves us with only the present options, great and lasting damage to this University could result. That damage could go beyond the degradation of the historic core. It might include damage to the trust we put in those who govern the University to do so openly and democratically.

Sincerely,

Herb Jenkins
Professor of Psychology, Emeritus
Former Director, Arts and Science Programme
Former Director, Engineering and Society Programme

cc. D. Ivison
P. George

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92)

Touzel, Charlene

From: Lee, Darryl
To: Touzel, Charlene
Subject: FW: McMaster University Centre
Date: Monday, March 02, 1998 8:45AM

Charlene, I am forwarding a note received from the students of the McMaster Engineering Society.

From: Nina Nakajima
To: dlee; dlee
Subject: McMaster University Centre
Date: March 1, 1998 11:40PM

March 1, 1998

We, the students of the McMaster Engineering & Society programme, are writing to express our concern regarding the proposed University Centre. We believe that building on the historic core of the McMaster campus (which includes sites C and A/C) would be disasterous. The historic core has been identified by the Local Architectural Advisory Committee (LACAC) as a family of six buildings and the landscaped open green areas that provide a park-like setting for those buildings. The six buildings are Edwards Hall, Hamilton Hall, University Hall, Refectory, Wallingford Hall and Alumni Memorial Hall. Please accept the LACAC's recommendation that the historic core be declared a property of historic and architectural value.

We strongly believe that the proposed plans for the University Centre would greatly degrade the character and integrity of the historic core. The construction of such a large building(s) of contemporary design would be completely inappropriate. We find it horrendous that McMaster's administration would support a construction plan that is extremely destructive to the spirit of Vision 2020 instead of setting an example of good stewardship of our environmental and historical heritage.

Students of the McMaster Engineering & Society Programme

9m)

Dr. L.W. Shemilt, O.C.
Professor Emeritus
McMASTER UNIVERSITY
DEPARTMENT OF CHEMICAL ENGINEERING
1280 Main Street West, Hamilton, Ontario Canada L8S 4L7
Tel: (905) 525-9140, Ext. 24735
Fax: (905) 521-1350
email: shemiltl@mcmaster.ca

MAR 3 1998

March 2,1998

Alderman F. D'Amico,
City of Hamilton.

Dear Alderman D'Amico:

I write in strong support of the reommendation coming to the Planning and Development Committee of the City of Hamilton from the Local Architectural Conservation Advisory Committee (LACAC) regarding preservation of an historic core of six buildings and contiguous landscaped areas at McMaster University. These buildings, including Alumni Memorial Hall, constitute the historic centre of academic life around which the present university has grown. Their traditions are important; their architectural value, especially taking into account the green spaces on which they fit, is great; and they should remain accessible, visible and contributory to all aspects of the academic life of our university.

The new University Centre, currently being planned,is a needed and important addition to McMaster, but its site can certainly be selected from options none of which would impose obliteration of part of the historic core.

I earnestly hope that your committee will, in its vision and wisdom, agree with LACAC's recommendation.

Yours sincerely,

Les Shemilt

L.W.Shemilt
(former Dean of Engineering,McMaster University)

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THE ARCHITECTURAL CONSERVANCY OF ONTARIO
HAMILTON REGION BRANCH

26 February 1998

Alderman Domico, Chair and Members of the
Planning & Development Committee
C/O
Stella Glover, Secretary
Planning & Development,
City Clerk's Office
City of Hamilton
71 Main Street West, 2nd Floor
Hamilton, Ontario
Canada, L8P 4Y5

Dear Alderman Domico and P&D Committee Members:

I am writing to you today to express the Hamilton Region Branch of the Architectural Conservancy of Ontario's support for the recent actions taken by L.A.C.A.C.. In particular, the most recent recommendation made by L.A.C.A.C. to the Planning & Development Committee regarding the original core buildings of McMaster University. The recommendation to Designate these six buildings, built during the years 1929 through 1951,under the ***Ontario Heritage Act***, is a strong and significant indicator of their architectural importance to City of Hamilton and to the Province of Ontario.

The position of the Hamilton Region Branch of the Architectural Conservancy of Ontario regarding the planned development in and around these core buildings has been previously indicated to Alderman Domico. However, for the benefit of the entire P&D Committee please find attached for you reference, a copy of a letter sent to D.A.S. Ivison, Chair, Board of Governors, McMaster University. I trust that you will find it helpful in your forthcoming deliberations on whether to approve of L.A.C.A.C.'s recommendation to Designate.

Sincerely,

Robert D. Hamilton
President
Hamilton Region Branch
Architectural Conservancy of Ontario Inc.
90 Burris Street
Hamilton, ON
L8M 2J5

9 (0)

Touzel, Charlene

From: Lee, Darryl
To: Touzel, Charlene
Subject: FW: Save Memorial Hall
Date: Wednesday, March 04, 1998 8:18AM

fyi.

From: Chris Iliffe
To: dlee; dlee
Cc: Cyrus Jeejeebhoy
Subject: Save Memorial Hall
Date: March 3, 1998 3:01PM

Hello, my name is Chris Iliffe, I am a graduating enginering student at McMaster University. I am pledging my name to the petition to save Alumni Memorial Hall. McMaster is home to over 15,000 undergraduate and graduate students every year. McMaster has been around over 100 years now, and the number of people that have passed by, entered and embraced this building over the years would run well into the hundreds of thousands, probably more like millions. Please protect our heritage, thank-you.

Sincerely,

Chris Iliffe
future Professional Engineer

9p)

McMASTER UNIVERSITY
Office of the Board of Governors
1280 Main Street West, Hamilton, Ontario L8S 4K1
Telephone: (905) 525-9140 Ext. 24370, Fax: (905) 526-9884

February 18, 1998

Mr. Robert D. Hamilton
President
Hamilton Region Branch
Architectural Conservancy of Ontario Inc.
90 Burris Street
Hamilton, ON L8M 2J5

Dear Mr. Hamilton:

I am writing to acknowledge receipt of your letter of February 12, 1998. I note that the Hamilton Region Branch of the Architectural Conservancy of Ontario is opposed to the building of our University Centre on Sites A and/or C.

While I found your account of the history of the development of Westdale and the McMaster Campus, especially their architectural roots, interesting, I cannot at this time accede to your request that our administration re-open the site selection process.

As you yourself acknowledge, there is a great need for a modern University Centre. In 1991, for a number of compelling reasons, economizing on capital and operating costs and campus centrality among them, the Board directed that site selection be focused on the environs of Hamilton Hall. The wisdom of this site orientation has been confirmed by an architectural planning study, undertaken by Moriyama and Teshima, and by the three architectural firms who participated in our recent design competition.

Consideration of site and architect selection, as well as project budget is in the hands of the Board's Planning and Building Committee, and the Committee recommendation will be forwarded to the Board for action on March 19, 1998.

.../2

Rest assured that the Board will make its decision in the best interests of McMaster University and the neighbouring Westdale and Hamilton communities, with due appreciation for both our splendid shared traditions and for the needs of future generations of students and other university members.

Yours sincerely,



D.A.S. Ivison
Chair, Board of Governors

cc: Dr. H.D. Barber
Dr. P.J George
Dr. W.B. Frank
Alderman D'Amico
Ms. Diane Dent

C:\WORK\BOG\CORR\2HAMACO.RSP

ROBERT M. MORROW
MAYOR

Mayor's Office
Hamilton

9q)

March 17, 1998

Ms. Therese Moore
203-305 Glencrest Rd.
Burlington, ON L7N 2H4

Dear Ms. Moore:

Thank you for your letter of March 2 concerning the preservation of the Faculty Club at McMaster University.

I am forwarding a copy of your letter to members of City Council for their information. By copy of this letter, I am asking that a copy of your letter be forwarded to the members of the LACAC committee as well.

Again, thank you for writing.

Yours very truly

Robert Morrow

Robert M. Morrow
Mayor
City of Hamilton

RMM:lt

cc Members of Council
Charlene Touzel, Secretary, LACAC Committee

Copy sent to Nina Chapple, Planning and Development Department and Tina Agnello, Secretary, Planning and Development Committee - 1998 March 17

City Hall
71 Main Street West, Hamilton, Ontario, Canada L8P 4Y5
Telephone (905) 546-2790
Fax (905) 546-3165 TDD (905) 546-2448

L-
1) acknowledge
2) C to C.C. members
+ Charlene for comments

March 2, 1998

MAR 0 5 1998

Mayor R. Morrow
Hamilton City Hall
119 King St.W.
Hamilton, ON L8P 4Y7

Dear Mayor Morrow:

I was pleased to attend a meeting at McMaster University, Thursday, February 26th, to see a presentation including a slide show on the proposed University Centre on the campus.

I learned that there is a group, mostly retired faculty, who are opposed to the project, and are proposing that one of the buildings on campus be declared a historical structure to have the plans cancelled. For the past 9-10 years a fee has been paid by the students of McMaster to help to finance the new Centre.

It seems the plans are to replace the Faculty Club within the new structure and include a special area for the Honour Roll to the veterans of WWI and WWII. Having at least nine members of my relatives participate in both wars, this meant a lot to me.

I was told that the building in question was built with the intentions it would be for the student body. Over the years, it became a place for faculty only. The Honour Roll plaques were placed there in the hopes that the students of the day would see it and appreciate the sacrifices it represented.

Unfortunately, the War Memorial was placed so that a person entering the area cannot see it unless they look for it. When there are activities in the Club, which is most of the time, the doors are left open and partially cover the plaques on each side of the doors.

When honouring one of their members who is in a wheelchair, entrance was made through the kitchen area and there are no accessible washrooms.

I am amazed that intelligent people would wish to have this building preserved going into the new millenium when it clearly does not represent our needs or our commitments of these times.I was told that it will take up to $1.million to have the repairs to such areas as the roof and the other necessities needed at this time.

I understand that there will be a presentation made soon to preserve this building. I wanted to have my views known at this time.

Yours truly

Therese Moore

Ms. Therese Moore
203-3055 Glencrest Rd. Burlington, ON L7N 2H4

10.

CITY OF HAMILTON

- RECOMMENDATION -

MAR 13 1998

DATE: 1998 March 13

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Sewage Systems and the Ontario Building Code (98.2.4.2.1.A)

RECOMMENDATION:

(a) That the City Solicitor be authorized and directed to prepare an amendment to ByLaw 93-167, "To Authorize Permits and Fees", Section 4 by inserting between subsections (6) and (7) a new subsection as follows:

(7) In addition to the applicable requirements of subsection (2) above, every sewage system permit application shall contain the following information:

(a) the name, address, telephone number, and licence number of the person installing the sewage system,

(b) where the person named in (a) above requires a licence under the Act and the Building Code,

i) the number and date of issuance of the licence, and

ii) the name of the qualified person supervising the work to be done under the sewage system permit,

(c) a site evaluation which shall include all of the following items, unless otherwise specified by the Chief Building Official,

i) the date the evaluation was done,

ii) the name, address, telephone number and signature of the person who prepared the evaluation,

.../2

iii) a scaled map of the site showing the legal description, lot size, property dimensions, existing rights-of-way, easements, or municipal/utility corridors; the location of items listed in Column 1 of Table 8.2.1.5.A., 8.2.1.5.B. and 8.2.1.5.C.; the location of the proposed sewage system; the location of any unsuitable, disturbed or compacted areas, and the proposed access routes for system maintenance,

iv) depth to bedrock,

v) depth to zones of soil saturation,

vi) soil properties, including soil permeability, and

vii) soil conditions, including the potential for flooding; and,

(b) That the City Solicitor be authorized and directed to amend Section 4 of By-Law 93-167 by renumbering each of the subsections following the new subsection (7) in sequence as necessary; and,

(c) That the City Solicitor be authorized and directed to prepare an amendment to By-Law 93-167 "To Authorize Permits and Fees" by adding the following to Schedule "A":

11.	(a)	Permit for the construction of on-lot sewage system pursuant to the provisions of the Building Code Act	$500
	(b)	Permit for the repairs to an existing on-lot sewage system pursuant to the provisions of the Building Code Act	$200
	(c)	Preparation of written comments and inspection for land severance, minor variance and rezoning applications for lots with existing septic systems	$200

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Health Department statistics from 1997 indicate that very few permits were issued for both new installations and alterations to sewage systems within the City of Hamilton boundaries. Based on this information, it is estimated that there will be minimal financial and staffing implications.

.../3

BACKGROUND:

The Municipal Water and Sewage Transfer Act passed on 1997 December 8 has transferred the authority of regulating smaller on-lot sewage systems from the Environmental Protection Act administered by the Ministry of Environment and Energy to the Building Code Act administered by the Ministry of Municipal Affairs and Housing. In effect, the authority will be transferred from the Regional Environmental Health Branch to the City Building Department on 1998 April 6.

The new legislation allows the municipalities to delegate the responsibility, by agreement, to upper-tier municipalities, Boards of Health, or Conservation Authorities. The Building Department has been in negotiations with other area municipalities and the Regional Health Department in an attempt to reach a mutually agreeable solution. Early in the negotiation process, it was intended that each of the area municipalities would delegate the authority to issue permits and perform inspections to the Regional Health Department. The Health Department recommended a fee of $700 for a permit to install a new septic system. After further review and discussions with their respective Councils, two of the surrounding municipalities have decided to issue permits and perform inspections themselves. As a result, the Regional Health Department is of the opinion that an amalgamation with only a percentage of the municipalities will not be a cost effective nor feasible solution. Hence, the Building Department will have to assume all duties and responsibilities pertaining to smaller on-lot sewage systems as of 1998 April 6.

LCK/mlb

capic

11a)

CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE
a Subcommittee of the Planning and Development Committee
c/o CITY HALL, 71 MAIN STREET WEST, HAMILTON, ONTARIO, L8N 3T4

DATE: 1998 March 16
TC-CAP(C) MAR 1 7 1998

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mary Pocius
Chairperson
Central Area Plan Implementation Committee

Mary Pocius

SUBJECT: Downtown Secondary Plan as a High Priority -
Central Area Plan Implementation Committee (CAPIC)

RECOMMENDATION:

That the Planning and Development Committee direct Planning staff to proceed immediately with preparation of the Downtown Hamilton Secondary Plan.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The Downtown Hamilton Secondary Plan is included in the 1998 Capital Budget submissions. It has been included with other downtown projects as a high priority item.

BACKGROUND:

The Central Area Plan Implementation Committee (CAPIC) recognizes the importance of having an overall plan for the downtown. This need has been reinforced by recent events, in particular the Downtown Hamilton Town Hall meeting and Workshop held February 27 - 28, 1998, facilitated by Gianni Longo.

Numerous ideas for revitalization and improvement of the downtown were discussed and prioritized at the Longo workshop. Many of these were not new ideas, but represent the current consensus as to the best available solutions for downtown. Many CAPIC members were in attendance at this event, as of representatives key downtown stakeholders. They agree that there must now be action and implementation of the Longo workshop recommendations, in order to move forward and capatilized on the momentum generated by the Town Hall meeting and workshop.

At the CAPIC meeting of March 12, 1998, there was discussion about the Longo workshop and the action that are required on downtown matters. Members generally felt that the event was a useful forum for bringing together the many previous proposals for downtown, and building consensus

among various parties. There is no shortage of good ideas. What is needed now is a commitment to action and implementation, and people will be looking to the City to play a lead role in bringing resources together to continue this work.

The need for an overall plan for downtown is becoming increasingly apparent to downtown stakeholders. This plan would provide a strategy for land use, as well as consideration of heritage, economics, business, neighbourhoods, infrastructure, and other aspects vital to downtown.

The Downtown Hamilton Secondary Plan is proposed to be carried out by Planning Department staff beginning later in 1998. A Capital Budget submission in the amount of $165,000 has been made in order to facilitate this project. The terms of reference for the Plan was approved at the Planning and Development Committee meeting of February 18, 1998.

Funding for the plan been included with the other restore the core capital budget projects, and is presently going through the process of budget approval. After budget approval is given, work on the project will begin, along with the reallocation of Planning staff to enable this work to be done. It is not known exactly when this work will begin. CAPIC members will form the basis of the Downtown Planning Advisory Committee on the Secondary Plan, to provide input into this process.

A motion was passed at the March 12, 1998 meeting of CAPIC, noting "That CAPIC request the Planning and Development Committee to direct Planning staff to proceed immediately with preparation of the Downtown Hamilton Secondary Plan." The urgency and importance of the proposed plan was noted. It was felt that to delay work on this plan while awaiting budget approval would be a mistake, as it is necessary to build on the momentum and consensus created by the Longo workshop.

Planning and Development Committee, and Planning Department staff, are therefore being asked to consider how they can modify staff workload and priorities so that this project can begin at once.

vg / CAPDTP&D.98

1163

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 March 17
(OP-DTSP)

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Downtown Secondary Plan - CAPIC Request

RECOMMENDATION:

That the report from the Central Area Plan Implementation Committee, regarding the Downtown Secondary Plan, dated March 16, 1998, be received.

V. J. Abraham

J. G. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

At its meeting of February 18, 1998, the Planning and Development Committee approved the terms of reference for the Downtown Secondary Plan - "Putting People First". The budget request for the funding to undertake the project was referred to the Capital Budget process. The

Capital Budget process in ongoing.

The Committee is in receipt of a request from the members of the Central Area Plan Implementation Committee to have the Downtown Secondary Plan process commence immediately.

COMMENTS:

1. For the Committee's information, staff of the Planning and Development Department will be preparing the following for the Downtown Secondary Plan:

   a) the public participation protocol for the secondary planning process;
   b) the requests for proposals for the three consultant studies that are part of the Downtown Secondary Plan.

   These documents would be the first priorities in the Downtown Secondary Plan. Work on these documents will commence in the next few weeks which is in advance of the capital budget being finalized.

2. The budget for the Downtown Secondary Plan is $165,000. This amount includes three consultant studies in the amount of $105,000. These studies are an integral part of the Secondary Plan and are critical to its completion. Although there is support from CAPIC to commence the project immediately, this cannot be done until the funding for the project is approved by Council. Therefore, it is recommended that the CAPIC report be received by the Planning and Development Committee.

MLT/

12.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1998 March 25
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

i) Minutes of the meeting held 1998 February 18

ii) Minutes of the meeting held 1998 March 4.

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

(i) Barton Village Business Improvement Area - Board of Management 1998-2000

(ii) Westdale Village Business Improvement Area - Board of Management 1998-2000

C. BUILDING COMMISSIONER

(i) 80 Stapleton Avenue - Hamilton Emergency Loan Programme

(ii) 49 Royal Avenue - demolition

(iii) 1062 Upper Paradise Road - demolition

(iv) 701 Upper Sherman Avenue - demolition

D. LAW DEPARTMENT

Discharges for Rental Housing Protection Act Agreements Recommendation Report

E. DIRECTOR OF PLANNING AND DEVELOPMENT

(i) Proposed Draft Plan of Condominium by Robert Dockeray, 11-23 Courtland Avenue, Gilkson Neighbourhood

(ii) Public meeting - 1717 Upper James St. (Allison Neighbourhood)

(iii) Application to Remove Part-Lot Control "Eagleview Estates, Phase 1" Subdivision, Reg. Plan No. 62M-829

(iv) Request for Extension from Exemption from Part-Lot Control for "Allison Estates - Phase 1, Stage 2" Subdivision, Reg. Plan No. 62M-795

(v) Amendment to By-law 97-147 (Wesley),195 Ferguson Avenue North

F. LOCAL ARCHITECTURAL ADVISORY COMMITTEE

(i) Century Manor, Hamilton Psychiatric Hospital - Letter to Ontario Realty Corporation re: Historical Significance of Building

(ii) CN Station - Heritage Conservation Easement Agreement

G. SECRETARY,PLANNING AND DEVELOPMENT COMMITTEE

Information Items

Wednesday, 1998 February 18 A1)
9:30 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present:
Alderman F. D'Amico, Chairperson
Alderman G. Copps, Vice-Chairperson
Mayor R. M. Morrow
Alderman M. Caplan
Alderman R. Corsini
Alderman D. Haining
Alderman B. Charters
Alderman B. Kelly
Alderman F. Eisenberger

Also present:
Alderman M. Kiss
Alderman A. Horwath
Victor Abraham, Director of Planning and Development Department
Paul Mallard, Director of Planning and Development Department
Bill Janssen, Planning and Development Department
Joanne Hickey-Evans, Planning and Development Department
Nina Chapple, Planning and Development Department
Keith Extance, Planning and Development Department
Art Zuidema, Law Office
Roland Karl, Public Works and Traffic Department
Eugene Chajka, Regional Environment Department
Hazel Milsome, Public Works and Traffic Department
Len King, Building Department
Stella Glover, Secretary

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

Prior to each Public Meeting, the Chairperson advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at a Public Hearing.

1. **Zoning Application 97-37, by Silvia Costabile, Owner, for a Change in Zoning from "B" District to "C" District, Modified, for Lands Located at 73 Kennedy Avenue.**

Paul Mallard of the Planning and Development Department addressed this issue and advised that of 50 notices sent out, 3 had been received in favour and 8 against the proposal.

Al Fletcher, Planner with A.J.Clarke & Associates attended on behalf of the owner and advised that he was in agreement with the recommendation of the Planning Department.

The Committee was in receipt of a written submission from S. Manganiello, 80 Malton Drive, Hamilton, stating his opposition to the proposal.

Beverley Leng of 79 Kennedy Avenue expressed concern that the area would be spoilt by crowding. The Chairperson explained that 40' lots could occur on Kennedy Street only.

As recommended in a report dated 1998 February 5 from the Director of the Planning and Development Department, the Committee recommended to Council as follows:

(a) That approval be given to Zoning Application 97-37, Silvia Costabile, owner, for changes in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, modified, for Block "1", and from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, for Block "2", to permit development of Block "2" for three lots for single detached dwellings and retention of the existing dwelling on Block "1", for lands located at No. 73 Kennedy Avenue, as shown on the attached map marked as Appendix "A", on the following basis:

(i) That Blocks "1" and "2" be rezoned from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District; and,

(ii) That the "C" (Urban Protected Residential, etc.) District regulations, as contained in Section 9 of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variances as special provisions:

(1) That notwithstanding Section 9.(4), a lot width of at least 21.88 m and an area of at least 683 m^2 shall be required.

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1397, and that Block "1" on Zoning District Map W-9E be notated S-1397; and,

(iv) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-9E for presentation to City Council; and,

(v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

* Alderman Copps opposed

2. **Rental Housing Protection Act Application CD-97-004 - 29 Sherman Avenue South, Stipeley Neighbourhood**

Mary Lou Tanner addressed the report and the Chairman asked if any person present wished to speak on the matter. However, no-one came forward.

Art Zuidema of the Law Office explained that the Rental Housing Protection Act will be replaced by new legislation, probably by April 1, and therefore no new application were being accepted by the Planning Department and a report was being prepared in this regard.

As recommended in a report dated 1998 February 3 from the Director of the Planning and Development Department, the Committee recommended to Council as follows:

(a) That approval be given to Application CD-97-004, under the Rental Housing Protection Act, V. Silva, owner, for conversion of 23 rental apartments to condominium units for the property located at 29 Sherman Avenue South, subject to the following conditions:

(i) That the City offer, on behalf of the Owner, in writing, to the Tenants residing at the premises on the date of Council's approval, the right to lease their current unit or a unit upon which the tenant and landlord mutually agree for a period of not less than three years from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in Appendix "B", upon the following minimum terms:

1. the Offer will be open for acceptance by the Tenants for a period of 30 days from the date the Offer is sent by the City;

2. the City will send the Offer, by registered mail, to the tenants residing at the premises as of the date of Council approval of the RHPA application, immediately following the expiration of the appeal period of the Council approval provided that the prescribed Phase II fee has been paid by, or on behalf of, the owner;

3. that the Tenants' rent will not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended; and,

4. that the Tenants' may terminate their lease, at any time, on 60 days written notice, without penalty.

(ii) That the City offer, on behalf of the Owner, in writing, to the Tenants residing at the premises on the date of Council's approval, an Option to purchase their current unit or a unit upon which the tenant and landlord mutually agree, together with appurtenant interests. Such Option shall allow each tenant at least three years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit. Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner;

(iii) 1. That the City send by registered mail to the tenants residing at the premises as of the date of the Council approval of the RHPA application, the Option to Purchase details set by City Council; and,

2. That the notice indicated in section (ii) above shall be sent immediately following the expiration of the appeal period of the Council approval provided that the prescribed Phase II fee has been paid by, or on behalf of, the Owner; and,

3. That the tenants noted in (ii) above shall be given 30 days from the date of the letter sent by the City to notify the City whether they are or are not interested in further considering the Option.

(iv) That this RHPA approval shall cease and be at an end,

1. if the Owner has sold the land without entering into an RHPA Approval Agreement with the City and registering same on title; or,

2. within two years from the date of Council's approval of RHPA application CD-97-004, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton;

(v) That the Owner enter into a RHPA Approval Agreement with the City in a form satisfactory to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendices "B", "C", and "D" annexed hereto) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval;

(vi) In the event that the Owner proposes to sell all of the subject lands, he/she shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein;

(vii) That the Owner provide the City Solicitor with satisfactory evidence that any and all mortgagees of the property consent to the RHPA application; and,

(viii) That the Owner provide the City Solicitor with satisfactory evidence that there are no outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval.

(b) That upon satisfaction of the above-noted conditions, the City Solicitor be authorized to request that the City Clerk execute the RHPA Certificate of Approval.

(c) That upon the fulfilment of obligations set out in Rental Housing Protection Act Agreements, the City authorize the Mayor and City Clerk to sign discharges, to be registered at the sole expense of the party requesting the discharge, in a form satisfactory to the City Solicitor.

3. Rental Housing Protection Act Application CD-97-005 - 75 Glenburn Court, Riverdale East

Keith Extance addressed the report and Mr. Bruno Megna attended on behalf of the owner. The Chairman asked if any person present wished to speak on the matter. However, no-one came forward.

As recommended in a report dated 1998 February 4 from the Director of the Planning and Development Department, the Committee recommended to Council as follows:

(a) That approval be given to Application CD-97-005, under the Rental Housing Protection Act, 822938 Ontario Inc., In Trust, Owner, for conversion of 108 rental apartment units to condominium apartment units for the property located at 75 Glenburn Court, subject to the following conditions:

(i) That the City offer, on behalf of the Owner, in writing, to the Tenants residing at the premises on the date of Council's approval, the right to lease their current unit or a unit upon which the tenant and landlord mutually agree for a period of not less than three years from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in Appendix "E", upon the following minimum terms:

(1) the Offer will be open for acceptance by the Tenants for a period of 30 days from the date the Offer is sent by the City; and,

(2) the City will send the Offer, by registered mail, to the tenants residing at the premises as of the date of Council approval of the RHPA application, immediately following the expiration of the appeal period of the Council approval provided that the prescribed Phase II fee has been paid by, or on behalf of, the owner; and,

(3) that the Tenants' rent will not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended; and,

(4) that the Tenants may terminate their lease, at any time, on 60 days written notice, without penalty; and,

(ii) That the City offer, on behalf of the Owner, in writing, to the Tenants residing at the premises on the date of Council's approval, an Option to purchase their current unit or a unit upon which the tenant and landlord mutually agree, together with appurtenant interests. Such Option shall allow each tenant at least three years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit. Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner, which agreement shall incorporate the conditions in Appendix "F", annexed hereto; and,

(iii) (1) That the City send by registered mail to the tenants residing at the premises as of the date of the Council approval of the RHPA application, the Option to Purchase details set by City Council; and,

(2) That the notice indicated in section (ii) above shall be sent immediately following the expiration of the appeal period of the Council approval provided that the prescribed Phase II fee has been paid by, or on behalf of, the Owner; and,

(3) That the tenants noted in (ii) above shall be given 30 days from the date of the letter sent by the City to notify the City whether they are or are not interested in further considering the Option; and,

(iv) That this RHPA approval shall cease and be at an end,

(1) if the Owner has sold the land without entering into an RHPA Approval Agreement with the City and registering same on title; or,

(2) within two years from the date of Council's approval of RHPA application CD-97-005, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton; and,

(v) That the Owner enter into a RHPA Approval Agreement with the City in a form satisfactory to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendices "E", "F" and "G", annexed hereto) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval; and,

(vi) In the event that the Owner proposes to sell all of the subject lands, he/she shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein; and,

(vii) That the Owner provide the City Solicitor with satisfactory evidence that any and all mortgagees of the property consent to the RHPA application; and,

(viii) That the Owner provide the City Solicitor with satisfactory evidence that there are no outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval; and,

(ix) That the Owner provide the City Solicitor with satisfactory evidence that a Change of Use Permit has been secured from the City of Hamilton Building Department; and,

(b) That upon satisfaction of the above-noted conditions, the City Solicitor be authorized to request that the City Clerk execute the RHPA Certificate of Approval.

(c) That upon the fulfilment of obligations set out in Rental Housing Protection Act Agreements, the City authorize the Mayor and City Clerk to sign discharges, to be registered at the sole expense of the party requesting the discharge, in a form satisfactory to the City Solicitor.

4. DELEGATION - LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE - Designation of Historic Core of McMaster University Under the Ontario Heritage Act.

The Committee was advised of a request from Dr. Peter George, President and Vice Chancellor of McMaster University that this matter be tabled. It was noted that McMaster Planning Committee would be meeting on March 4 and making a recommendation in this regard to the Board of Governor's meeting on March 19.

A number of representatives were in attendance from the Local Architectural Conservation Advisory Committee and from McMaster University.

Following discussion, the Committee approved the following:

That consideration of the designation of the Historic Core of McMaster University under the Ontario Heritage Act be tabled until March 4 or 10, dependant upon discussions with the McMaster Planning Committee regarding moving their meeting from March 4.

* Alderman Copps, Alderman Haining and Alderman Eisenberger opposed.

Mr. Jack Evans and Mr. Gerry Brown left their names with the secretary to be notified of the next meeting in this regard.

5. PRESENTATION - Len King and Tom Redmond on "Amanda" - Computer Permit Tracking and Management

Tom Redmond and Len King gave a presentatin on "Amanda", a new computer permit tracking and management system. The Chairperson thanked them for the presentation and advised members to contact them directly with questions.

6. DIRECTOR OF PLANNING AND DEVELOPMENT

(a) Downtown Hamilton Secondary Plan - Putting People First - Terms of Reference

The Committee was in receipt of a report dated 1998 February 4 from the Director of Planning and Development respecting the above-noted matter and approved the following recommendation:

(a) That the attached terms of reference for the Downtown Secondary Plan, entitled "Putting People First", be approved in principle; and,

(b) That a Capital Budget Submission, in the amount of $165,000, to undertake the Downtown Hamilton Secondary Plan, be submitted as part of the 1998-2007 Capital Budget process.

(b) Site Plan Control Application DA-96-29, by Spallacci & Sons Ltd., Owner for Lands at 260-280 King Street East

The Committee was in receipt of a report dated 1998 February 10 from the Director of Planning and Development respecting the above-noted matter.

Manfred Rudolph, Lawyer, attended on behalf of Spallacci & Sons and requested that provision be made in the application for a lay-by or bumpouts.

Following discussion the Committee approved the following:

That approval be given to amended Site Plan Control Application DA-96-29 by Spallacci & Sons Ltd., owner, for lands known as 260 King Street East, as shown on the attached map, to permit the development of a twelve (12) storey residential and commercial building, subject to the following:

(a) modification to the plan in relation to notes and dimensions as marked in red on the plan; and,

(b) submission of a revised grading plan to the satisfaction of the Commissioner of the Regional Environment Department; and,

(c) That the applicant/owner make application to and receive Regional Council approval to construct a lay-by within the King Street East road allowance, as widened. This layby, if approved, will require an agreement with the Region. Furthermore, the required agreement with the Region, for the layby, should specify that bump-outs will be provided at the discretion of the Senior Director, Roads Division, Regional Transportation Department; and,

(d) That the applicant/owner dedicate sufficient lands to the Region for the road widening of King Street varying from 0.914m in depth to 3.40m in depth. This is required to establish a minimum 3.048m municipal sidewalk around the lay-by; and,

(e) provision of the appropriate encroachment agreement(s) with the Region of Hamilton-Wentworth for the canopies or marquees that may encroach into the King Street East road allowances, as widened; and,

(f) prior to the issuance of a Building Permit, the applicant/owner must enter into an Encroachment Agreement with the Region of Hamilton-Wentworth for the portion of the underground parking garage which encroaches into the King Street road allowance, as widened; and,

(g) provision of the appropriate landscape and paving agreement(s) with the Region of Hamilton-Wentworth for the landscaping and paving within the road allowance; and,

(h) submission of a revised landscape plan to the satisfaction of the Director of the Planning and Development Department and the Director of Public Works and Traffic for the landscape treatment and hard surface treatment adjacent to the King Street road allowance; and,

(i) submission of a revised underground and aboveground parking structure to the satisfaction of the Director of Public Works and Traffic; and,

(j) approval by the Committee of Adjustment to eliminate any required loading and manoeuvring spaces requirements for the subject lands.

7. 1998-2007 PROVISIONAL CAPITAL BUDGETS

(a) Planning and Development Department

The Committee was in receipt of a report dated 1998 January 8 from the Director of Planning and Development respecting the above-noted matter and approved the following recommendation:

(i) That the attached capital projects from the Planning and Development Department be considered for inclusion in the ten year 1998 - 2007 Provisional Capital Budget Program; and,

(ii) That these capital projects be reviewed by the Corporate Management Team for consideration by the Committee of the Whole and City Council.

(b) Public Works and Traffic Department, Community Renewal Section

The Committee was in receipt of a report dated 1998 February 4 from the Commissioner of Public Works and Traffic respecting the above-noted matter and approved the following recommendation:

(i) That the attached capital projects from the Public Works and Traffic Department, Community Renewal, included within the Parks Division and Streets and Sanitation Division, be considered for inclusion in the ten year 1998-2007 Provisional Capital Budget; and,

(ii) That these capital projects be reviewed by the Management Team (Capital Budget Sub-Committee) for consideration by the Committee of the Whole and City Council.

(c) Building Department

The Committee was in receipt of a report dated 1998 February 12 from the Building Commissioner respecting the above noted-matter and approved the following recommendation:

(i) That the attached capital project from the Building Department be considered for inclusion in the ten year 1998 - 2007 Provisional Capital Budget Program; and,

(ii) That this capital project be reviewed by the Corporate Management Team for consideration by the Committee of the Whole and City Council.

8. CONSENT AGENDA

The Committee was in receipt of its Consent Agenda and approved the following:

A. ADOPTION OF MINUTES

The minutes of the meeting held 1998 February 4 were adopted as circulated.

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

Main Street West Business Improvement Area (B.I.A.) - Board of Management (1998 - 2000)

The Committee was in receipt of a report from the Commissioner of Public Works and Traffic dated 1998 February 12 respecting the above-noted matter and approved the following recommendation:

That Schedule "B" of By-law No. 98-045, as amended, appointing the Main Street West Esplanade B.I.A. Board of Management be repealed and the following names substituted:

SCHEDULE "B"

J. Bourinot	415 Main Street West, Dairy Queen, (Owner/Tenant)
I. Kobylanski	354 Main Street West, Izzy's Restaurants, (Owner/Tenant)
J. Castellano	287 Main Street West, Castellano Real Estate, (Owner/Tenant)
J. Morrison	65 Locke Street, Royal Bank, (Owner/Tenant)
B. Hughes	443 Main Street West, Tim Hortons, (Owner/Tenant)
M. Gunn	428 Main Street West, Mor Car Wash, (Owner/Tenant)
M. Farrugia	271 Main Street West, (Owner)

C. DIRECTOR OF PLANNING AND DEVELOPMENT

(i) **Downtown Hamilton Secondary Plan - Putting People First - Terms of Reference**

The Committee was in receipt of a report from the Director of Planning and Development dated 1998 February 11 respecting the above-noted matter and approved the following recommendation:

That Section 1B of the Seventh Report of the Planning and Development Committee, as approved by City Council on 1997 April 29, respecting the amended Zoning Application ZAC-96-05 - Paul Silvestri, known municipally as 177 Rymal Road East and 1684 Upper Wellington Street, attached hereto as Appendix "H" be amended by deleting Section

B(a)(iv) in its entirety and that Sections B(a)(v), B(a)(vi) and B(a)(vii) be renumbered to B(a)(iv), B(a)(v) and B(a)(vi) respectively.

(ii) Extension of Draft Plan Approval - Battleridge" Subdivision (File No. 25T-76024)

(a) That the Regional Municipality of Hamilton-Wentworth be requested to approve the request by A. Fletcher, agent, to extend draft plan approval for "Battleridge" subdivision under Regional File No. 25T-76024 for a further one (1) year period to February 28, 1999, subject to the following revisions to the conditions of draft plan approval:

(i) That Condition b) be deleted as it is no longer required; and,

(ii) That Condition c) be amended to state "That no more than 100 units be allowed to be developed from a single access road, on a temporary basis."; and,

(iii) That Condition e) be deleted as it is no longer required; and,

(iv) That Condition p) be revised to delete the reference to the Ministry of Transportation and Communications and the Regional Engineering Department and substitute "to the satisfaction of the Commissioner of the Regional Environment Department as well as the Commissioner of the Transportation Department."; and,

(v) That Condition p) be further revised to delete the reference to Highway No. 20 and refer to the road as Centennial Parkway; and,

(vi) That Condition q) be deleted in its entirety and replaced with the following:

"That the Owner erect a 1.8 metre chain link fence along the entire frontage of Centennial Parkway with the exception of any approved portions, to the satisfaction of the Commissioner, Regional Environment Department. The fence is to be 100% developer's cost."; and,

(vii) That Condition r) be deleted in its entirety and replaced with the following:

"That 0.30 metre reserves be transferred to the Region along the entire frontage of Centennial Parkway except for any approved portions to the satisfaction of the Commissioner of the Regional Environment Department."; and,

(viii) That Condition s) be deleted in its entirety and replaced with the following:

"That the owner retain the services of a qualified Professional Engineer for the preparation of a detailed Noise Study in order to determine what measures are to be taken by the developer for noise generated by Centennial Parkway and that the developer implement noise mitigation measures to the satisfaction of the Commissioner of the Regional Environment Department."; and,

(b) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision; and,

(c) That the approved Gershome Neighbourhood Plan be amended to delete the temporary slip-off lane and the permanent slip-off lane from Centennial Park into the interior of the Gershome Neighbourhood.

D. LOCAL ARCHITECTURAL ADVISORY COMMITTEE

Revised Plans for Proposed Alterations/Additions to Fearman House, 90 Stinson Street - Amendment of Heritage Permit

The Committee was in receipt of a report from the Acting Secretary of the Local Architectural Conservation Advisory Committee dated 1998 February 10 respecting the above-noted matter and approved the following recommendation:

That approval be given to the revised elevation plans for the Fearman House at 90 Stinson Street, of "door 101A exterior" (located on the west side of the central tower front entrance), dated 1998 January 20, attached hereto and marked as Appendix "I", as an amendment to the Heritage Permit approved by City Council on 1997 March 25.

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

The Committee was in receipt of a report from the Secretary, Planning and Development Committee, dated 1998 February 12 respecting the above-noted matter and approved the following recommendation:

(i) Information Report from the Director of Planning & Development re Approved Site Plan Control Application - DA-97-37 - north-east of Rice Avenue on Sanatorium Road.

(ii) Information Report from the Director of Planning & Development dated 1998 February 10 re Subdivision and Condominium Delegation and Official Plan Amendment Exemption.

(iii) Information Report from the Director of Planning & Development dated 1998 February 5 re Loan Decrease-Commercial Property Improvement Loan Program - 417 Barton Street East.

(iv) Information Report from the Hamilton Historical Board dated 1998 February 12 re Historic Core of McMaster University - Designation under the Onatio Heritage Act.

9. SELECTION COMMITTEE

Citizen Member Appointments - Sub-Committees of the Planning and Development Committee

The Committee was in receipt of a report from the Secretary of the Selection Committee, dated 1998 February 5, respecting the above noted matter and approved the following recommendation:

a) That the following citizens be appointed to serve on the Central Area Plan Implementation Committee:

William O'Brien	(for a term to expire 1999 November 30)
Denise Giroux	(for a term to expire 2000 November 30)

b) That the following citizens be appointed to serve on the Local Architectural Conservation Advisory Committee:

John Mokrycke	(for a term to expire 1998 November 30)
Reg Wheeler	(for a term to expire 1998 November 30)
Brian Henley	(for a term to expire 1999 November 30)
Jane Rigby	(for a term to expire 1999 November 30)
Jeffrey Steadman	(for a term to expire 1999 November 30)
Diane Dent	(for a term to expire 2000 November 30)
Bill King	(for a term to expire 2000 November 30)
Donna Yates	(for a term to expire 2000 November 30)

10. OTHER BUSINESS

The Committee retired in camera to discuss a Private and Confidential matter.

Reconvening in Regular Session the Committee approved the following:

That the information report respecting Electronic Gaming Machines (VLT) which was referred by the Finance and Administration Committee be received and no action taken thereon.

11. ADJOURNMENT

There being no further business, the Committee meeting then adjourned.

Taken as read and approved.

Alderman F. D'Amico, Chairman
Planning and Development Committee

Stella Glover,
Secretary
/jt

Aii)

Wednesday, 1998 March 4
9:30 o'clock p.m.
Room 233 and Council Chambers, City Hall

The Planning and Development Committee met.

There were present:	Alderman F. D'Amico, Chairperson Alderman G. Copps, Vice-Chairperson Mayor R. M. Morrow Alderman M. Caplan Alderman R. Corsini Alderman D. Haining Alderman B. Charters Alderman F. Eisenberger
Regrets:	Alderman B. Kelly
Also present:	Alderman M. Kiss Alderman T. Anderson Victor Abraham, Director of Planning and Development Department Paul Mallard, Planning and Development Department Bill Janssen, Planning and Development Department Christine Lee-Morrison, Planning and Development Department Mary Lou Tanner, Planning and Development Department Nina Chapple, Planning and Development Department Joy Dubeld, Planning and Development Department Ann Gillespie, Planning and Development Department Roland Karl, Public Works and Traffic Department Eugene Chajka, Regional Environment Department Willie Wong, Building Department Charlene Touzel, City Clerk's Office Stella Glover, Secretary

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

Prior to each Public Meeting, Alderman D'Amico advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at a Public Hearing.

1. **Zoning Application 98-01, by Dr. C. Mielke, Prospective Owner, for a further modification in Zoning to the Established "HH" District for Lands Located at 867 Upper Paradise Road.**

Paul Mallard, from the Planning Department addressed the report and stated that of 247 notices sent out, 5 had been received in favour and 1 opposed to the proposal.

Dr. Mielke attended and stated that he was in favour of the recommendation. No member of the public spoke on this matter.

As recommended in a report dated 1998 February 24 from the Director of the Planning and Development Department, the Committee recommended to Council as follows:

(a) That approval be given to Zoning Application ZAC-98-01, Dr. C. Mielke, prospective owner, for a further modification in zoning to the established "HH" (Restricted Community Shopping and Commercial, etc.) District regulations for lands located at 867 Upper Paradise Road, as shown on the attached map marked as Appendix "A", on the following basis:

(i) That By-law No. 94-041 be repealed in its entirety; and,

(ii) That Subsection 2(a) of Zoning By-law No. 88-145 be deleted in its entirety; and,

(iii) That Subsection 2(b)(i) of Zoning By-law No. 88-145 be deleted in its entirety; and,

(iv) That Subsection 2(c)(i) of Zoning By-law No. 88-145 be deleted in its entirety; and,

(v) That Subsection 2(c)(ii)(a) of Zoning By-law No. 88-145 be deleted in its entirety and replaced with the following:

a planting strip not less than 6.0 m in width shall be provided and maintained; and,

(vi) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to the subject lands, be further modified to include the following variances, as special requirements:

(1) That notwithstanding Section 14A(1) of Zoning By-law No. 6593, only a business or professional person's office having a total gross floor area of not more than 230 sq.m (2,475 sq.ft.) shall be permitted; and,

(2) That notwithstanding Section 14A(2) of Zoning By-law No. 6593, no building shall exceed 1 storey, and no structure shall exceed 8.0 metres in height; and,

(3) That notwithstanding Section 18A.(1)(a) of Zoning By-law No. 6593, a minimum of 12 parking spaces shall be provided and maintained; and,

(vii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1074b, and that the subject lands on Zoning District Map W-27C be notated S-1074b; and,

(viii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-27C for presentation to City Council; and,

(ix) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

* Alderman Copps opposed

2. Zoning Application 97-38, by Little Three Ontario Limited, Owner for a Change in Zoning from "AA" District and "C" District to "HH" District for Lands Located at 75 Rymal Road East

Ed Fothergill of Fothergill Planning and Development, attended together with John Harkness, Architect, on behalf of the owner. Mr. Fothergill stated that his client wished to clean up the site as it was unattractive. He was proposing replacing two car dealerships with new ones and circulated photographs.

Stuart Munghen of 60 Rymal Road East spoke on behalf of himself and his neighbour across the street and asked for restrictions to be put in place in order that no auto-body repair shop or paint shop be allowed in the area in question (75-55 Rymal Road East). Otherwise they had no objections to the application.

Anthony Di Cenzo of 1070 Stone Church Road East attended on behalf of Di Cenzo Construction and agreed with the staff recommendation to deny the application. He considered it an inappropriate encroachment of commercial use and felt it would have an adverse aesthetic impact and set a precedent for further commercial development on Rymal Road.

Discussion ensued and a request was made that the lands at the rear of the property remain residential. After consideration the Committee amended the recommendation contained in a report dated 1998 February 24 from the Director of the Planning and Development Department, and recommended to Council as follows:

(a) That approval be given to Official Plan Amendment No. 146, by Little Three Ontario Ltd., owner to redesignate the lands known municipally as 75 Rymal Road East from "Residential" to "Commercial", shown as Block "2" on the attached map marked as Appendix "B"; and,

(b) That approval be given to amended Zoning Application ZAC-97-38, Little Three Ontario Ltd., owner for a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial, etc.) District (Block "2") and for a modification to the established "HH" (Restricted Community Shopping and Commercial, etc.) District (Block "1") to permit development for automobile sales and leasing, for lands known municipally as Nos. 55, 69 (Block 1) and 75 Rymal Road East (Block 2) , as shown on the attached map marked as Appendix "B", on the following basis:

(i) That Block "2" be rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial, etc.) District; and,

(ii) That Section 2 of Zoning By-law No. 86-273, applicable to Nos. 55 and 59 Rymal Road East, be repealed in its entirety; and,

(iii) That Sections 2 and 3 of Zoning By-law No. 90-306 applicable to No. 69 Rymal Road East, be repealed in their entirety; and,

(iv) That the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations as contained in Section 14A. of Zoning By-law No. 6593, applicable to Blocks "1" and "2" be modified to include the following variances, as special requirements:

(1) that notwithstanding Section 14A.(1), only two (2) automobile sales and leasing establishments, excluding automotive body and fender repairing and automobile painting shall be permitted; and,

(2) that notwithstanding Section 14A.(3)(a), two (2) business identification signs shall be permitted provided that the aggregate area of the two business identification signs shall not be greater than 0.1 square metre per 0.3 metres of street frontage of the lot; and,

(3) that notwithstanding Section 18.(3)(ivc)(b) of Zoning By-law No. 6593, a planting strip having a minimum width of 3.0 m, with a visual barrier not less than 1.2 m and not more than 2.0 m in height, shall be provided and maintained along the easterly lot line where it abuts a residential district; and,

(4) that notwithstanding Section 18.(3)(ivc)(b) of Zoning By-law No. 6593, a planting strip having a minimum width of 3.0 m, with a visual barrier not less than 1.2 m and not more than 2.0 m in height, shall be provided and maintained along the northerly lot line where it abuts a residential district; and,

(v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1398, and that the subject lands on Zoning District Map E-9D be notated S-1398; and,

(vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9D for presentation to City Council; and,

(vii) That the proposed change and modification in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. 146 by the Regional Municipality of Hamilton Wentworth; and,

(viii) That, upon finalization of the implementing zoning by-law, the Ryckmans Neighbourhood Plan be amended to redesignate Block "2" from "Single & Double Residential" to "Commercial".

At this point the Committee adjourned and continued the meeting in the Council Chamber due to the large number of citizens in attendance for the following two items.

3. **Zoning Application 97-28, by Mohawk College of Applied Arts and Technology, Owner for a Modification to the Established "B" District for Lands Located at 135 Fennell Avenue West.**

The Committee was in receipt of a report from the Director of Planning and Development dated 1998 February 20.

The Committee was also in receipt of written submissions from the following:

Dr. A.R.C. Butson
Thomas Van Zuiden
Gordon R. Talbot
Robert and Margaret Howarth
Brian W.B. Morison
Sheila Evans
Kathryne McLean
David and Vida Dent
C.J. and J.A. Agro
Kathleen Munoz

Paul Mallard of the Planning Department addressed the report and stated that of 239 notices sent out, 11 had been received in favour and 31 opposed.

Brenda Pace of May Pirie Dakin & Associates, representing Mohawk College, stated that the College needed to get out of the tennis club business and therefore were prepared to lease a portion of the property for a private tennis club.

She stated that the application had addressed the compatibility with surrounding neighbourhood, landscaping, height and location and would maintain the existing landscaped buffer along Fennell Avenue. Residents of Delmar Drive would be consulted with regard to landscaping. The height of the building had been reduced and no additional parking would be required. Security would be upgraded to 24 hours in order to control noise and improve safety.

Catherine Rellinger, President of Mohawk College stated that students living in residence were far more accountable than those living independently. The College had explored the possibility of a downtown location but cited an Economic Development Report which stated that a residence downtown was not an optimum location for Mohawk students. However, the College would investigate the possibility of locating stage 2 downtown. In the meantime the College needed a residence in order to be financially competitive.

Citizens were then asked to comment on the proposal.

Dr. Butson of 24 Auchmar Road stated his opposition to a residence on the Mohawk property. He said the building may become obsolete in a few years and cited the St. Joseph's Hospital School of Nursing building. Dr. Butson suggested that some of the vacant buildings be used.

Thomas Van Zuiden referred to a 164 signature petition of residents opposed to the residence on Mohawk property. He expressed concern about how the business plan was put together and was not clear on ownership. He understood the property was going to be severed and was concerned about the implication and what it would be used for. Mr. Van Zuiden said he wished the residence to be built downtown as it would revitalize the downtown area.

Brian Morison, a west mountain resident, stated that 50 years ago the dormitory would be acceptable but a dormitory or high rise would not be appropriate in the area today.

Sheila Evans, representing the Tennis Club, gave the background to the tennis club and the efforts to privatize. She asked that the application be denied because the tennis club was very important to the community.

Bob Simpson of Lodgeco Corporation stated that his was one of the companies that tendered to operate the tennis club on the Mohawk site. However, upon review, had found this was not financially viable to an independent operator and he felt the facility would ultimately be lost. He therefore asked that the application be denied. Mr. Simpson cited the number of tennis facilities in surrounding communities and the adverse impact on Hamilton if the Mohawk facility was lost.

Lorna Disher of 99 Markey Avenue showed a plan of how she felt the two facilities could co-exist. She suggested that the proposed residence be moved over the preferred parking area which would also put it further away from the residential area.

At this point a written submission from Kathleen Munoz was entered into the record by Alderman Copps, in which Ms. Munoz requested that Mohawk College not be granted either the re-zoning or the land severance.

Charles Agro of Buchanan Park expressed opposition, citing existing parking problems, increased traffic and the loss of neighbourhood integrity and safety.

The President of Mohawk College reminded the public that students are adults seeking post secondary education and therefore responsible, the College would also be taking responsibility for the students. She said the tennis bubble had become unsafe and that the tennis club building needed attention and that the College did have an active proponent in response to the tendering proposal.

Considerable discussion ensued amongst members of the Planning and Development Committee and it was noted that the Traffic Department felt the residence would actually reduce the amount of traffic in the area and the resultant parking problems. It was also ascertained that a severance was no longer needed to finance the project.

The Committee then requested Alderman Frank D'Amico and Alderman Duke O'Sullivan to meet with the President of Mohawk College and the members of the community, prior to the next meeting of City Council, to discuss:

(i) the tennis court situation,
(ii) a policy from Mohawk College to address neighbourhood concerns with regard to noise and student behaviour, and
(iii) Mohawk College's intention with regard to the proposed severance,

and report to City Council in this regard.

A motion was made and duly seconded to accept the recommendation of the report.

Recorded vote:

Yeas: Mayor Morrow, Aldermen Caplan and Eisenberger (3)
Nays: Aldermen Copps, D'Amico, Charters and Haining (4)

Lost

A motion was then made to deny the application.

Recorded vote:

Yeas: Aldermen Copps, D'Amico, Charters and Haining (4)
Nays: Mayor Morrow, Aldermen Caplan and Eisenberger (3)

Lost

The Committee therefore recommended to Council as follows:

(a) That Amended Application 97-28, Mohawk College of Applied Arts and Technology, owner, for an Official Plan Amendment, to establish a "Special Policy Area", to permit a private recreational facility within the "Major Institutional" designation, for "Block 1" only, for lands located at No. 135 Fennell Avenue West, as shown on the attached Appendix "C", be denied; and,

(b) That Amended Zoning Application 97-28, Mohawk College of Applied Arts and Technology, owner, for a modification to the established "B" (Suburban Agriculture and Residential, etc.) District regulations, for Blocks "1" and "2", for lands located at No. 135 Fennell Avenue West, to permit development of Block "1" for a student residence containing a maximum of 250 units or a student residence containing a maximum of 180 units and a private tennis club, as shown on the attached map marked as Appendix "C", be denied, on the following basis:

(i) The proposed student residence would be more appropriately located in the downtown; and,

(ii) The proposed student residence would not be compatible with adjacent residential uses.

At this point the Committee adjourned for 10 minutes.

4. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

Designation - Historic Core of McMaster University: University Hall, Hamilton Hall, Wallingford Hall, the Refectory, Edwards Hall, Alumni Memorial Hall (tabled from previous meeting

The Committee was in receipt of a report from the Local Architectural Conservation Advisory Committee dated 1998 February 12 on the above noted matter.

The Committee was also in receipt of written submissions from the following:

(a) Cyrus M. Jeejeebhoy
(b) Leslie J. King
(c) Brian W.B. Morison
(d) Derek Clark
(e) Ontario Heritage Foundation
(f) The Architectural Conservancy of Ontario
(g) McMaster University Faculty Association
(h) Professor Alwyn Berland
(i) Dr. Peter George
(j) Hamilton Historical Board
(k) Prof. Herb Jenkins
(l) Students of McMaster Engineering & Society Programme
(m) Dr. L.W. Shemilt, McMaster Dept. of Chemical Engineering
(n) Chris Iliffe, Graduating Engineering Student
(o) Robert Hamilton, Architectural Conservancy of Ontario

Tony Butler of LACAC's Research Sub-Committee spoke on LACAC's requirement to designate in order to recognize the importance of the buildings in McMaster, and

also to ensure that the City will continue to be involved with what happens on that site and the buildings around them.

LACAC Member, Reg Wheeler, gave the history of McMaster University and the construction of the science building.

Nina Chapple, Architectural Historian with the Planning and Development Department then showed a videotape of the McMaster buildings.

Brian Henley, of the Special Collections Department at Hamilton Public Library and a LACAC member, stated that a tremendous amount of support had been received for LACAC's position. He added that the Committee had no opposition to the Student Centre, simply to the site and location.

Diane Dent, Chairperson of LACAC pointed out that letters of support had not only come from LACAC but from members of McMaster Alumni.

Dr. Peter George, President and Vice Chancellor of McMaster University agreed that this matter was Council business. However, he pointed out that students had contributed more than eight million dollars towards the project, together with pledges from the private sector and other donors. Dr. George stated that McMaster has a serious competitive disadvantage to other universities who have facilities which they have not. He then gave a brief review of the process which the University had followed in order to be open and thorough.

Dr. George stated that a recommendation was to be made to the University Planning and Building Committee that afternoon that the Alumni Memorial Hall not be demolished, and asked that the Planning and Development Committee delay its decision in this matter until after that meeting. He advised that LACAC would have an opportunity to speak to the Committee.

In response to a question, Mayor Morrow was advised that there were no legal time constraints if this matter was tabled.

At this point the Committee approved the following:

That the application to designate the Historic Core of McMaster University under the Ontario Heritage Act be tabled until the next meeting of the Planning and Development Committee.

Recorded Vote:

Yeas: Aldermen Eisenberger, Haining, Charters and Caplan
Nays: Aldermen Copps and D'Amico

Carried

5. DIRECTOR OF PLANNING AND DEVELOPMENT

<u>Urban Entertainment Centres</u>

The Committee was in receipt of a recommendation from CAPIC supporting in principle the concept of Urban Entertainment Centres, exclusively in the downtown area of Hamilton.

As recommended in a report dated 1998 February 25 from the Director of the Planning and Development Department, the Committee recommended to Council as follows:

(a) That the City of Hamilton endorse the concept of an urban entertainment centre located in downtown Hamilton; and,

(b) That staff be directed to prepare an amendment to the Downtown Hamilton Community Improvement Plan for presentation at a public meeting of the Planning and Development Committee on March 25, 1998 to incorporate the goal of an urban entertainment centre in downtown Hamilton; and,

(c) That staff of the Planning and Development Department be directed to co-ordinate a staff Committee consisting of representatives from the Real Estate and Purchasing Divisions, Law and Culture and Recreation Departments to advertise, receive, and evaluate proposals for development of an urban entertainment centre in downtown Hamilton for adoption by City Council.

6. DIRECTOR OF PLANNING AND DEVELOPMENT/BUILDING COMMISSIONER/CHIEF ADMINISTRATIVE OFFICER

Procedures for the Identification/Remediation of Potentially Contaminated Sites Under the Planning Act Review Process

As recommended in a report dated 1998 February 23 from the Director of the Planning and Development Department, the Building Commissioner and the Chief Administrative Officer, the Committee recommended to Council as follows:

(a) That the City of Hamilton implement the following procedures, as requested by the Regional Municipality of Hamilton-Wentworth, regarding Procedures for the Identification/Remediation of potentially Contaminated Sites under the Planning Act review process:

(i) To modify standard planning application forms (i.e. Official Plan Amendment, Zoning By-law, Site Plan Control, Subdivisions, Part Lot Control, Minor Variances and Consents) with respect to the questions regarding site contamination contained therein; and,

(ii) To amend planning application forms to include owner responsibility and acknowledgement clauses in accordance with Appendix "D"; and,

(iii) To require applicant(s) to submit a Record of Site Condition (RSC) to the Region in the form set out in the "Guideline for Use at Contaminated Sites in Ontario" (Ministry of Environment and Energy, February 1997), as amended from time to time, as a standard condition of approval when a site is identified as potentially contaminated through circulation of the planning application to the Region; and,

(b) That the City Clerk be requested to notify the Regional Municipality of Hamilton-Wentworth of the City of Hamilton's decision.

Staff were directed to investigate and report to the next meeting of the Planning and Development Committee with regard to the clause added to the site plan agreement by

the City of North York which requires the owner, at his/her expense, to appeal, contest, defend or settle any action related to a lawsuit.

7. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

Final Lot Grading and Sodding Contract for Various Subdivisions in Hamilton During 1998

As recommended in a report dated 1998 February 13 from the Commissioner of Public Works and Traffic, the Committee recommended to Council as follows:

That the Manager of Accounting and Purchasing be authorized and directed to issue an Open Order to Brantford Landscaping & Sodding Ltd., on behalf of the Treasury and Building Departments, based on prices received for Quotation C20-998, to provide final lot grading and sodding as and when required during 1998 in various subdivisions in Hamilton, being the lowest of seven quotations received in accordance with specifications issued by the Manager of Accounting and Purchasing and Vendor's quotation, and be financed through Lot Grading Deficiencies Subdivision Account No. PR53700090.

8. CONSENT AGENDA

THE FOLLOWING RECOMMENDATIONS WERE FORWARDED TO COUNCIL FOR APPROVAL:

A. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

(i) Ottawa Street Business Improvement Area (B.I.A.) 1998-2000 Board of Management

The Committee was in receipt of a report from the Commissioner of Public Works and Traffic dated 1998 February 23 respecting the above-noted matter and approved the following recommendation:

(a) That Schedule "A" and "B" of By-law No. 86-99, as amended, appointing the Ottawa Street B.I.A. Board of Management be repealed and the following names substituted:

SCHEDULE "A"

Alderman D. Wilson
Alderman G. Copps
Alderman D. Haining
Alderman B. Morelli

SCHEDULE "B"

J. Gut	268 Ottawa St. N, Textile Discount Centre, Owner/Tenant
T. Bifano	95 Ottawa St. N, Anton Video, Owner/Tenant

D. Kwiatkowski	201 Ottawa St. N, Beach Road Meats, Owner/Tenant
J. Bazinet	151 Ottawa St. N, L. G. Wallace Funeral Home, Owner/Representative
B. Hodge	110 Ottawa St. N, Hamilton Vacuum Supply, Owner/Tenant
M. Fresco	137 Ottawa St. N, Campbell Glass and Mirror, Owner/Tenant
R. Bagliolid	85 Ottawa St. N, Bell Arte, Owner/Tenant
L. Mattina	289 Ottawa St. N, Nova Sewing Centre, Owner/Tenant
K. Walton	134 Ottawa St. N, KJ's Restaurant, Tenant
K. Shearer	139 Ottawa St. N, Mary's Flower Shop, Owner/Tenant

(b) That the City Solicitor be authorized and directed to amend By-law No. 86-99 pursuant to (a) above.

(ii) **Ottawa Street Business Improvement Area (B.I.A.)**
Proposed Budget and Schedule of Payments for 1998

The Committee was in receipt of a report from the Commissioner of Public Works and Traffic dated 1998 February 23 respecting the above-noted matter and approved the following recommendation:

(a) That the 1998 operating budget of the Ottawa Street B.I.A., attached hereto as Appendix "E" be approved in the amount of $51,875.56; and,

(b) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1998 budget as referenced in (a) above; and,

(c) That the following Schedule of Payments for 1997 be approved:

March 15	$17,291.86
June 15	$17,291.85
September 15	$17,291.85

NOTE: 1997 Levy arrears will be deducted from the payments for 1998.

(iii) **Tenth Annual Public Service Announcement (P.S.A.) Competition**

The Committee was in receipt of a report from the Commissioner of Public Works and Traffic dated 1998 February 23 respecting the above-noted matter and approved the following recommendation:

That the City of Hamilton's Public Works and Traffic Department, in conjunction with the Keep Hamilton Clean Committee, hold the Tenth Annual Public Service Announcement Competition through Mohawk College Media Studies Program and ONtv at a total cost of $2,500.

B. BUILDING COMMISSIONER

(i) 9 Hillyard Street - Demolition

The Committee was in receipt of a report from the Building Commissioner dated 1998 February 20 respecting the above-noted matter and approved the following recommendation:

> That the Building Commissioner be authorized to issue a demolition permit for 9 Hillyard, in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(ii) 11 Hillyard Street - Demolition

The Committee was in receipt of a report from the Building Commissioner dated 1998 February 20 respecting the above-noted matter and approved the following recommendation:

> That the Building Commissioner be authorized to issue a demolition permit for 11 Hillyard, in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(iii) 13 Hillyard Street - Demolition

The Committee was in receipt of a report from the Building Commissioner dated 1998 February 20 respecting the above-noted matter and approved the following recommendation:

> That the Building Commissioner be authorized to issue a demolition permit for 13 Hillyard, in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

C. DIRECTOR OF PLANNING AND DEVELOPMENT

(i) Application to Remove Part Lot Control "Claudette Garden - Phase 9" Subdivision, Reg. Plan No. 62M-825

The Committee was in receipt of a report from the Director, Planning and Development Department, dated 1998 February 19 respecting the above-noted matter and approved the following recommendation:

(a) That approval be given to the request of 800064 Ontario Inc., Anthony Di Silvestro, owner, to remove part-lot control to establish maintenance easements for Lots 14 - 31, inclusive, Registered Plan 62M-825 "Claudette Gardens - Phase 9", as shown on Appendix "F"; and,

(b) That the exempting By-law be restricted to a one year effective time period to expire on March 15, 1999; and,

(c) That the Director of Planning and Development be authorized to prepare a By-law, to the satisfaction of the City Solicitor, to remove part lot control from Lots 14 - 31, inclusive, Registered Plan 62M-825 "Claudette Gardens - Phase 9" of subdivision be presentation to City Council; and,

(d) That following enactment of this By-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the By-law and endorse the same on the By-law.

(ii) Request for a Six Month Extension for the Approval of Site Plan Control Application DA-95-08 for an Addition to the Existing Commercial Development at 970 Upper Wentworth Street

The Committee was in receipt of a report from the Director, Planning and Development Department, dated 1998 February 19 respecting the above-noted matter and approved the following recommendation:

That approval be given to the request by Toys "R" Us (Canada) Ltd., owner of the lands at 970 Upper Wentworth Street, as shown on the attached map marked as Appendix "G" for an extension to the approval of Site Plan Control Application DA-95-08 to September 11, 1998, and that at the end of this period if a Building Permit has not been issued, the proposed development must be subject to a new Site Plan Control Application.

(iii) Zoning Application 98-04, for Removal of the "H" Holding Provision - 60 Rice Avenue

The Committee was in receipt of a report from the Director, Planning and Development Department, dated 1998 February 24 respecting the above-noted matter and approved the following recommendation:

(a) That approval be given to Zoning Application ZAR-98-04, Chedoke Hospital Corporation, owner, requesting removal of the 'H' – Holding provision under Section 36(1) of the Planning Act, R.S.O., 1990, to permit development of the subject lands for a maximum of forty (40) townhouse units, for property located at No. 60 Rice Avenue, shown on the attached map marked as Appendix "H"; and,

(b) That the attached By-law marked as Appendix "I", prepared by the Director of Planning in a form satisfactory to the City Solicitor, to amend Zoning By-law No. 6593 as amended by By-law No. 96-113, and Zoning District Map W-37, be forwarded to Council for adoption.

D. CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE

Central Area Plan Implementation Committee (CAPIC) - Membership Update

The Committee was in receipt of a report from the Chairperson of the Central Area Plan Implementation Committee dated 1998 February 25 respecting the above noted matter which it received for information.

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

The Committee was in receipt of a report from the Secretary, Planning and Development Committee, dated 1998 February 27 respecting the above-noted matter and approved the following recommendation:

> That the following Information Items, which have been previously forwarded to members of the Committee under separate cover,be received for information purposes:
>
> (a) South Mountain Development Status.
>
> (b) Site Plan for Approval.
>
> (c) Central Area Plan Implementation Committee (CAPIC)-Membership Update.

9. ADJOURNMENT

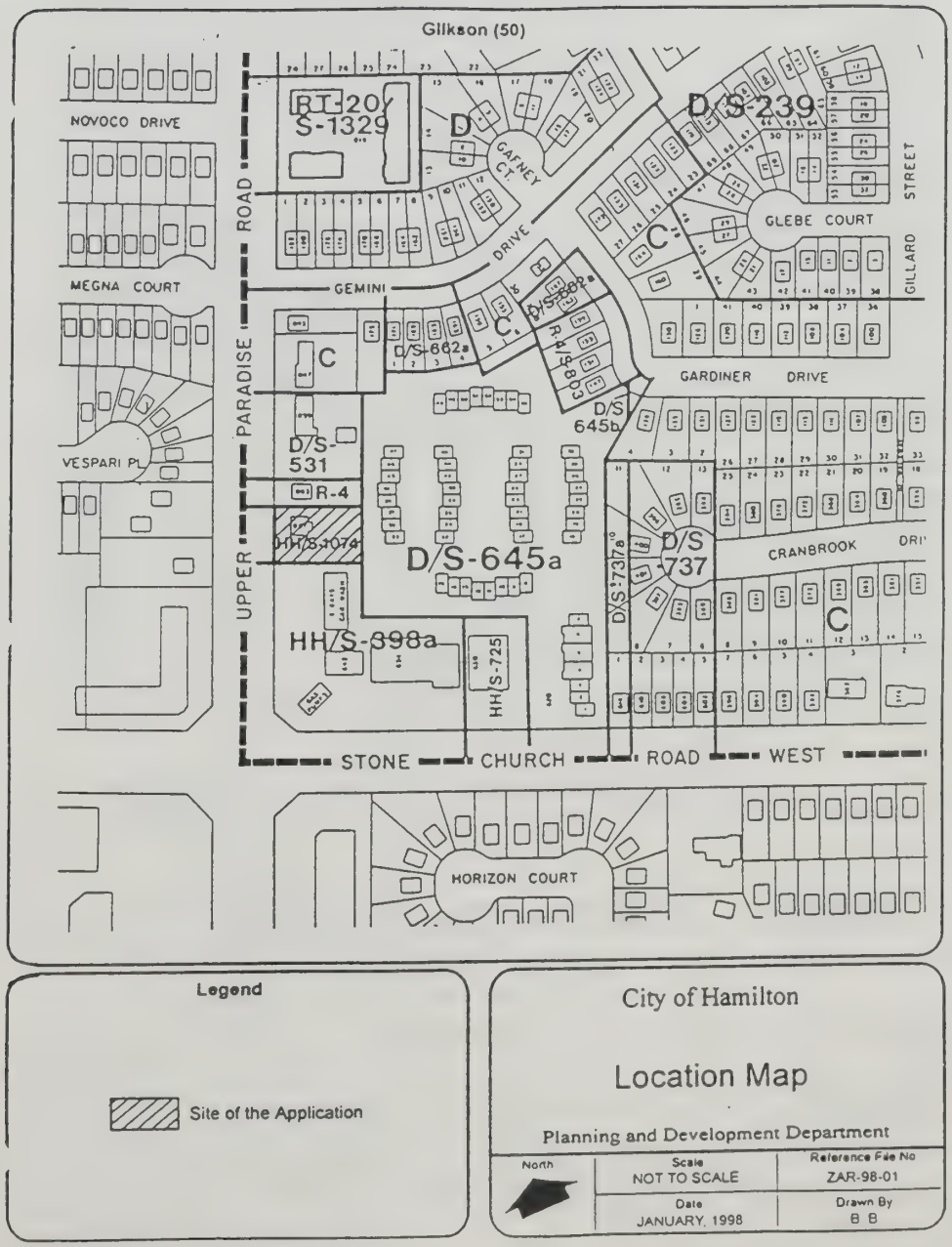
There being no further business, the Committee meeting adjourned.

Alderman F. D'Amico, Chairman
Planning and Development Committee

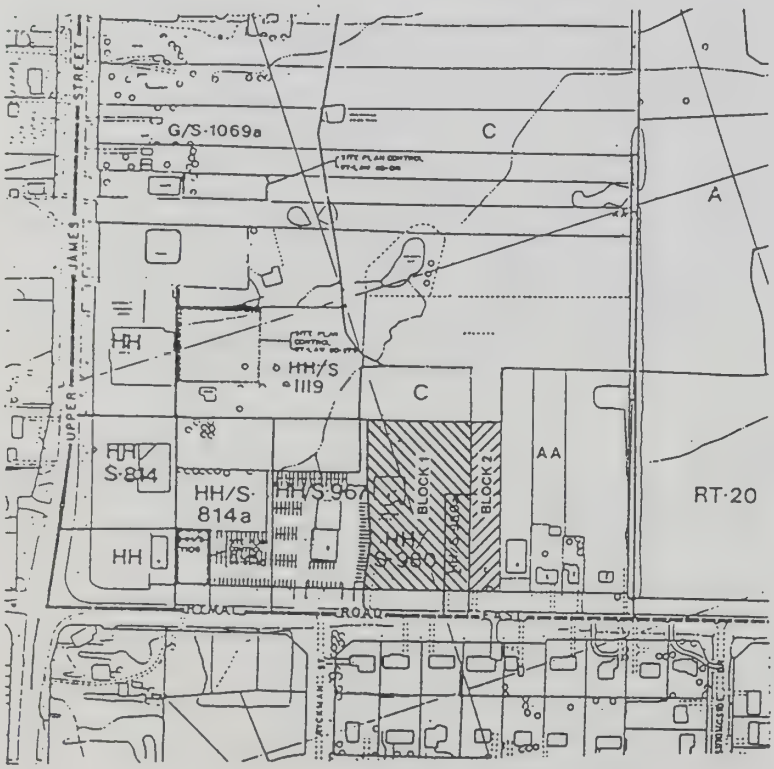
Stella Glover
Secretary

/jt

Appendix "A" as referred to in
Section 1(a) of the Planning and
Development Committee Minutes
dated 1998 March 4



Appendix "B" as referred to in
Section 2(a) & 2(b) of the Planning
and Development Committee Minutes
dated 1998 March 4



Legend

BLOCK 1 — Further modification to the established "HH" (Restricted Community Shopping and Commercial, etc.) District

BLOCK 2 — Change in zoning from "AA" (Agriculture, etc.) District to "HH " (Restricted Community Shopping and Commercial, etc.) District

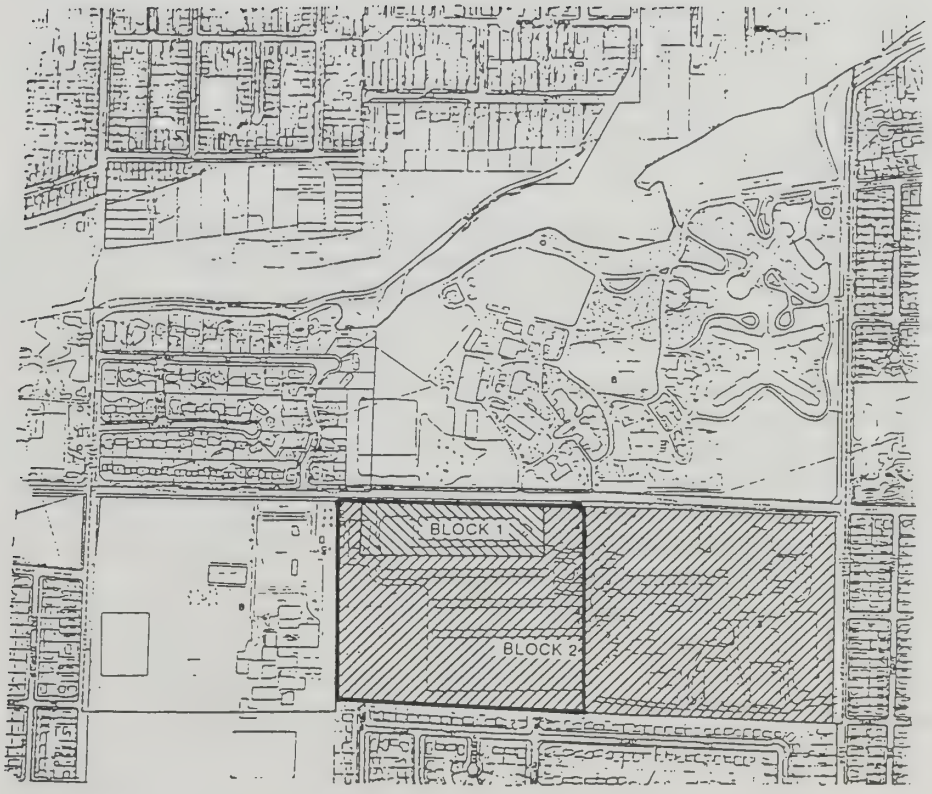
City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	ZAC-97-38
	Date	Drawn By
	MARCH, 1998	Fab Angelici.

Appendix "C" as referred to in
Section 3(a) & 3(b) of the Planning
and Development Committee Minutes
dated 1998 March 4



Legend

BLOCK 1
BLOCK 2

Proposed modification to the established "B" (Suburban Agriculture and Residential, etc.) District.

Lands To Be Placed Under Site Plan Control

ZAC-97-28

Appendix "D" as referred to in
Section 6(a)(ii) of the Planning and
Development Committee Minutes
dated 1998 March 4

OWNER RESPONSIBILITY AND ACKNOWLEDGMENT CLAUSES

I hereby acknowledge that it is my responsibility to ensure that I am in compliance with all applicable law, laws, regulations and guidelines pertaining to contaminated sites, including, but not limited to the Ministry of Environment and Energy Guidelines for Use at Contaminated Sites (February 1997), as amended.

I further acknowledge that neither the Region of Hamilton-Wentworth nor the Corporation of the City of Hamilton is responsible for the identification and/or remediation of contaminated sites. I also agree, whether in or as a result of any action or proceeding for environmental clean-up of any damage or otherwise, that I will not sue nor make any claim whatsoever against The Regional Municipality of Hamilton-Wentworth, The Corporation of the City of Hamilton, their respective officers, officials, employees, or agents, or any of the foregoing, for or in respect of any loss, damage, injury or costs.

_____ _____

Date Signature of Property Owner

_____

Print Name of Owner

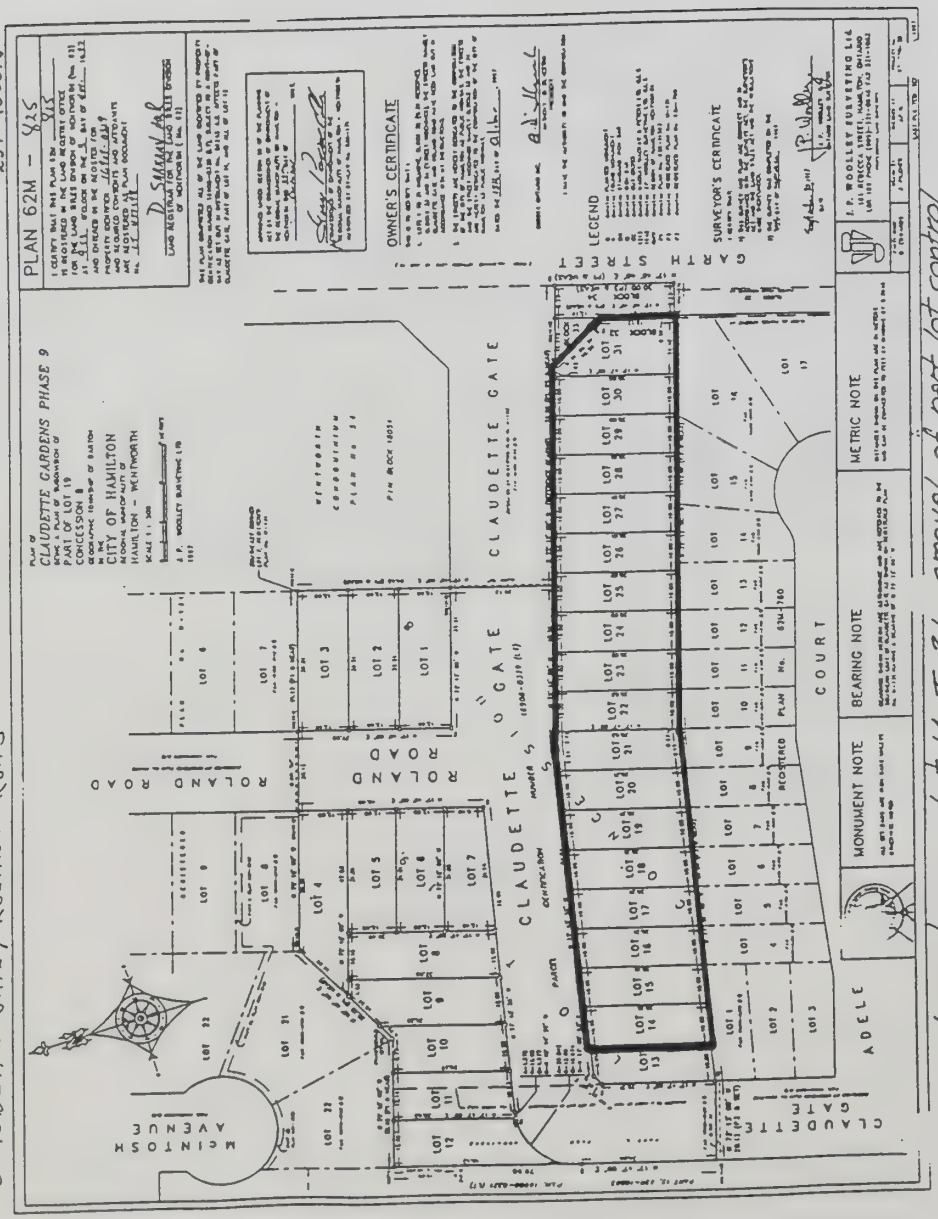
Appendix "E" as referred to in
Section 8A (ii)(a) of the Planning
and Development Committee Minutes
dated 1998 March 4

OTTAWA STREET BIA

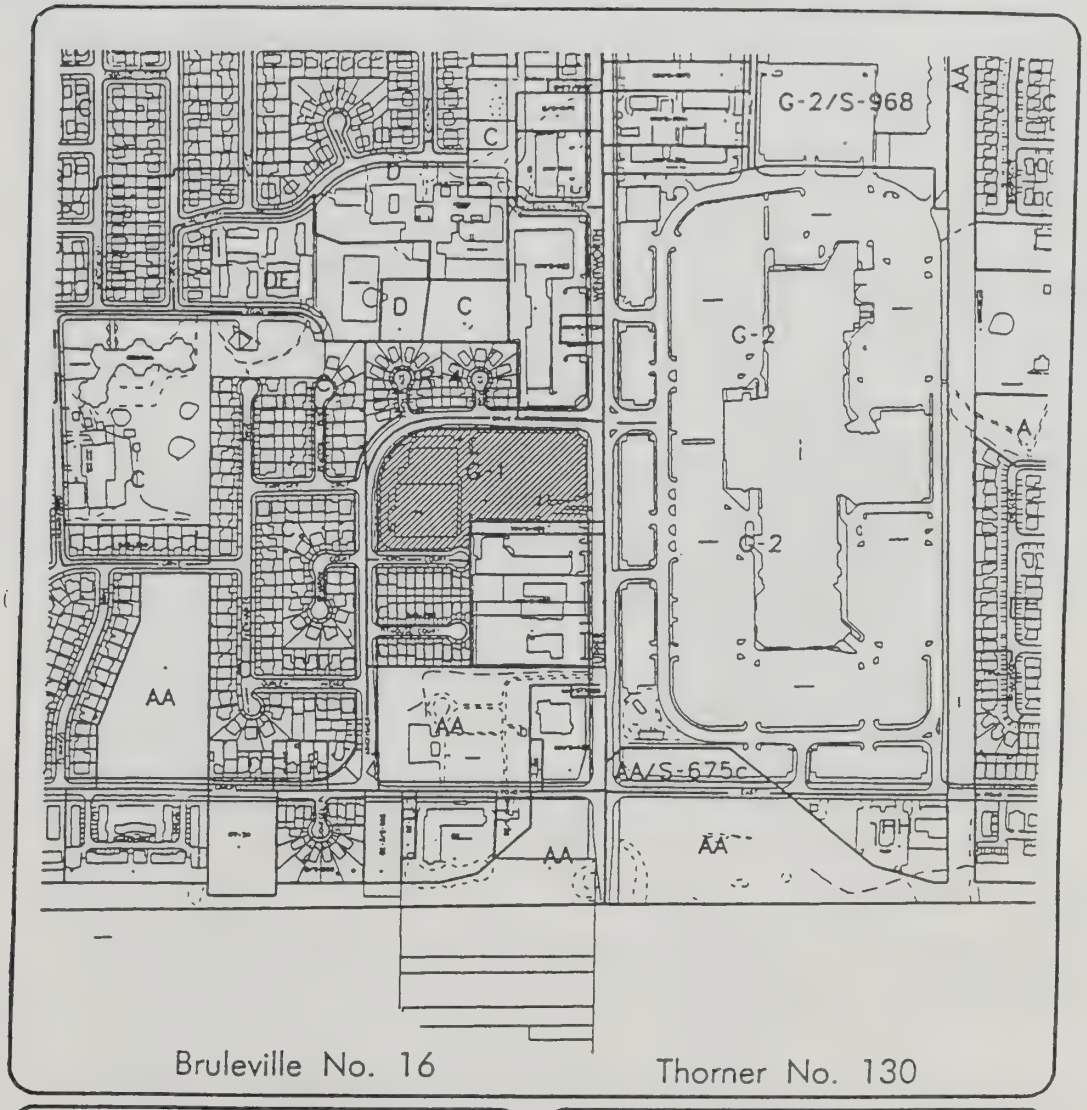
1998 BUDGET

MARKETING AND ADVERTISING -STREETFEST -CHRISTMAS -PARKING PROGRAM		$25,000.00
OFFICE EXPENSES		
-TELEPHONE	$1,000.00	
-PRINTING	$2,500.00	
-RENT	$1,200.00	
-BOOKKEEPING AND MISC.	$2,300.00	
MAINTENANCE		
-PLANTERS/FLOWERS		
-CHRISTMAS DECORATIONS	$5,000.00	
-BANNERS (INSTALLATION, REMOVAL, CLEANING)		$5,000.00
OUTSTANDING LEVIES 1997 PREVIOUS YEAR		$14,875.56
TOTAL	$51,875.56	

Appendix "F" as referred to in
Section 8C (i)(a) of the Planning
and Development Committee Minutes
dated 1998 March 4



Appendix "G" as referred to in
Section 8C (ii) of the Planning and
Development Committee Minutes
dated 1998 March 4



City of Hamilton

Plan Showing Lands Subject to
Site Plan Control
Application DA-95-08

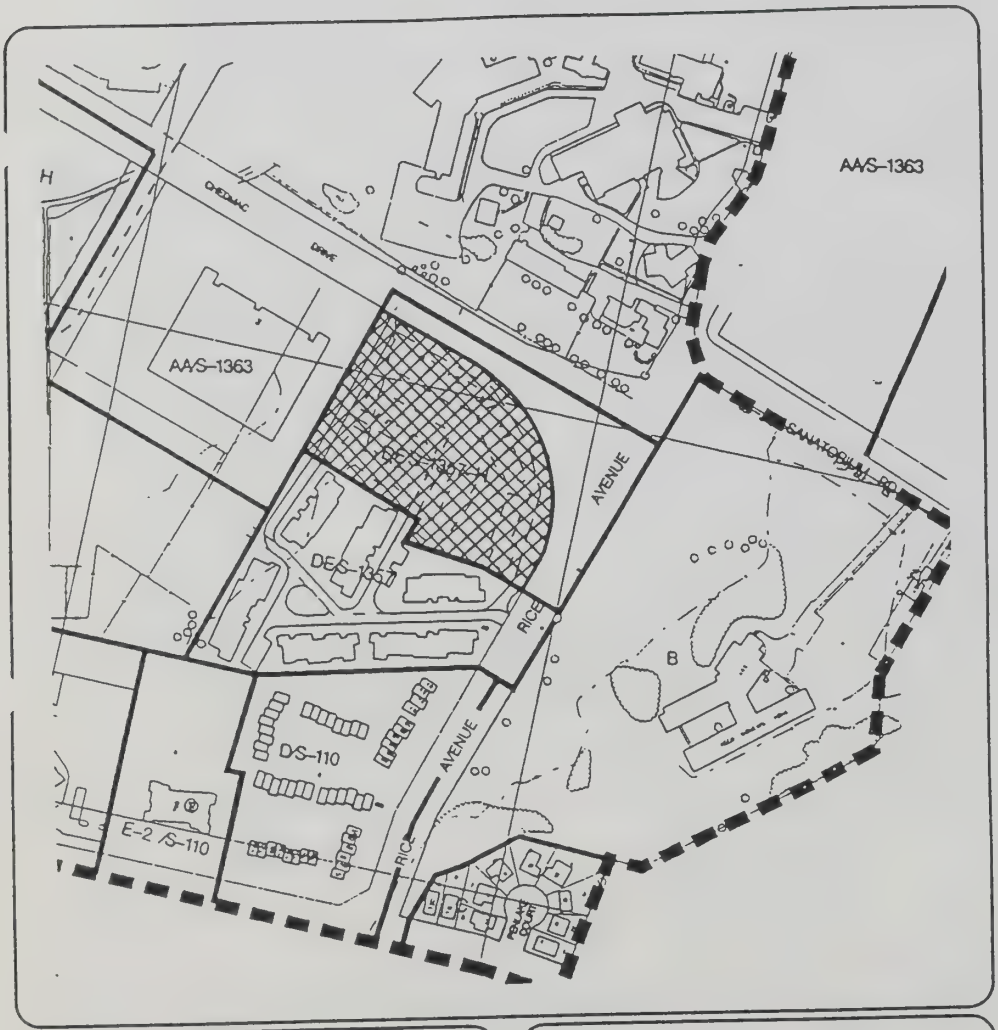
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	Not to Scale	DA-95-08
	Date	Drawn By
	MARCH 13, 1995	William Braithwaite

Appendix "H" as referred to in
Section 8C (iii) of the Planning
and Development Committee Minutes
dated 1998 March 4



Legend

Site of the Application

City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	ZAR-98-04
	Date	Drawn By
	FEBRUARY, 1998	B. B

Appendix "I" as referred to in
Section 8C (iii)(b) of the Planning
and Development Committee Minutes
dated 1998 March 4

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 98-

To Amend:

Zoning By-law No. 6593
As Amended By Zoning By-law No. 96-113

Respecting:

LAND LOCATED AT THE SOUTH-WEST CORNER OF CHEDMAC DRIVE AND RICE AVENUE (MUNICIPALLY KNOWN AS NO. 60 RICE AVENUE)

WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 96-113 on the 25th day of June, 1996 to rezone Block 2 from "AA" (Agricultural) District to "DE-" - 'H'(Low Density Multiple Dwellings - Holding) District, and to establish special requirements with respect to Block 2, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which By-law came into force on the day it was passed in accordance with the Planning Act;

AND WHEREAS Section 3 of By-law No. 96-113 provides that upon the applicant completing a noise study, and any required works, to the satisfaction of the Ministry of Environment and Energy for Block 2 of the subject lands, the 'H' symbol shall be removed by amendment to By-law No. 96-113;

AND WHEREAS approval of the noise study, and any required works to the satisfaction of the Ministry of the Environment have been completed;

AND WHEREAS City Council in adopting Item of the th Report of the Planning and Development Committee at its meeting held on the 10th day of March, 1998 directed that By-law No. 96-113 be amended to remove the 'H' (Holding) symbol in respect of the subject lands;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The 'H' (Holding) symbol affixed by By-law No. 96-113, passed on the 25th day of June, 1996, to Block 2, the extent and boundaries of which are shown on a plan annexed as Schedule "A" to By-law No. 96-113 and forming part thereof is hereby removed, and the development of the lands may proceed in accordance with the "DE" (Low Density Multiple Dwellings) District provisions of Zoning By-law No. 6593, subject to the special requirements referred to in section 4. of By-law No. 96-113.

2. Sheet No. W-37 of the District Maps, appended to and forming part of Zoning By-law No. 6593, as amended by section 2. of By-law No. 96-113, is further amended by changing Block 2 from "DE" - 'H'(Low Density Multiple Dwellings - Holding) District to "DE" (Low Density Multiple Dwellings) District, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" and forming part of this By-law.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "DE" District provisions, subject to the special requirements referred to in section 4. of By-law No. 96-113.

4. By-law No. 6593, as amended by By-law No. 96-113, is further amended by adding this by-law to section 19B as Schedule S-1357a.

5. Sheet No. W-37 of the District Maps, as amended by By-law No. 96-113, is further amended by marking the land referred to in section 2. of this by-law, S-1357a.

6. In all other respects, By-law No. 96-113 is hereby confirmed, unchanged.

PASSED this day of A.D. 1998.

CITY CLERK MAYOR

(1998) R.P.D.C. , March 10
Chedoke Hospital Corporation (John C. Pelech), agent
ZAR-98-04

B i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 March 17 MAR 1 3 1998

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: Barton Village Business Improvement Area (B.I.A.)
Board of Management - 1998-2000.

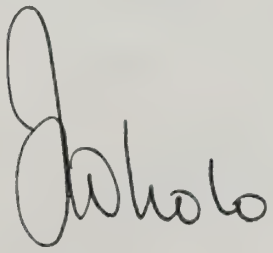
RECOMMENDATION:

a) That Schedule 'B' of By-law No. 98-074, appointing the Barton Village B.I.A. Board of Management be repealed and the following names substituted:

SCHEDULE 'B'

Dimitri Boukhers	Farah's Foodmart (tenant)
Jody Hendry	Hendry's Family Shoes (nominated by owner)
Terry Franceour	Mugsy's Place (nominated by owner)
Sandra Manners	Westinghouse Canada Inc. (nominated by owner)
John Hilger	Ways to Wisdom (owner)
John Howard	Econ-o-wash Laundry (owner)
Paul Nusca	Nusca Custom Tailors Ltd. (owner)
Marco Tollis	Riviera Banquet Centre (owner)
Nick LaSala	Nick's Auto Service (owner)
Robert Palmese	Palmese Photodesign Group Inc.(owner)
Keith Cody	Orthopaedic Services (nominated by owner)
Phil Springer	464 Barton Street East (owner)

b) That the City Solicitor be authorized and directed to amend Schedule 'B' of By-law 98-074 pursuant to (a) above.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

At recent meetings of the Barton Village B.I.A.'s Board of Management, two additional members were elected for its Board of Management. In keeping with the current B.I.A. legislation, the members are either: i) owners of commercial/industrial property within the designated area; or, ii) tenants of commercial/industrial properties within the designated area responsible for paying part or all of the taxes through their lease; or, nominated by either individuals identified in i) or ii) above.

DL:HM:hm

P&DBar.2Board

c.c. John Howard, Chairman
Barton Village B.I.A.

Patrice Noé Johnson
City Solicitor
Attn: Art Zuidema, Solicitor

B ii)

CITY OF HAMILTON

- RECOMMENDATION -

MAR 1 6 1998

DATE: 1998 March 18

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo
Commissioner of Public Works and Traffic

SUBJECT: Westdale Village Business Improvement Area(BIA) Revised Board of Management 1998-2000

RECOMMENDATION:

(a) That Schedule 'B' of By-law No. 98-047 appointing the Westdale Village BIA Board of Management be repealed and the following names substituted:

Lynn Secord	Canada Trust 938 King St West, (Owner/Representative)
Mary Beth Ledden	Judy Marsales Real Estate Ltd 986 King St West, (Representative)
David Simpson	Simpson, Watson, & Vujnovic Lawyer 950 King St West, (Owner)
Gene Ditner	Cottage Florist 1033 King St West, (Owner)
Shelagh Snider	The Picture Frame 1045 King St West, (Owner)
John Mouskos	New Village Restaurant 988 King St West, (Owner)
David Thorne	Truth 1044 King St West, (Tenant)
Reg Lahie	Jack Carruth Shoes 1051 King St West, (Owner)

(b) That the City Solicitor be authorized and directed to amend By-law 98-047 pursuant to (a) above

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

At recent meetings of the Westdale Village B.I.A 's Board of Management, one additional member was elected for its Board of Management. In keeping with the current B.I.A. legislation, the member is either: i) owners of commercial/industrial property within the designated area; or, ii) tenants of commercial/industrial property within the designated area responsible for paying part or all of the taxes through their lease; or, nominated by either individuals identified in i) or ii) above.

JP:jp
P&D/bmwestda.97

c.c. Ms. P. Noe Johnson, City Solicitor
Law Department
Att: Mr. A. Zuidema, Solicitor

Ms. M.B. Ledden, Chairman
Westdale Village B.I.A.

C1)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 March 11 MAR 13 1998

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme (H.E.L.P.)
80 Stapleton Avenue (98.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, nine hundred and fifty eight dollars ($1,958) be approved for Helen Golba, 80 Stapleton Avenue. The interest rate will be 2 per cent amortized over 5 years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of $2,000 could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing, or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Housing and Loans Division, recently finalized an Emergency Loan for Helen Golba, 80 Stapleton Avenue, in the amount of $1,958. The electrical work has been completed, and the Department recommends approval in the amount of $1,958 at 2% interest and amortized over five (5) years.

LCK/MM/dk

c.c. R. Camani, Treasury

C(i)

CITY OF HAMILTON

- RECOMMENDATION -

MAR 13 1998

DATE: 1998 March 12

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
49 ROYAL AVENUE - Tag Number 98-101706
(98.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 49 Royal Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C/S-1335, 1335a

PRESENT USE: Vacant Single Family Dwelling

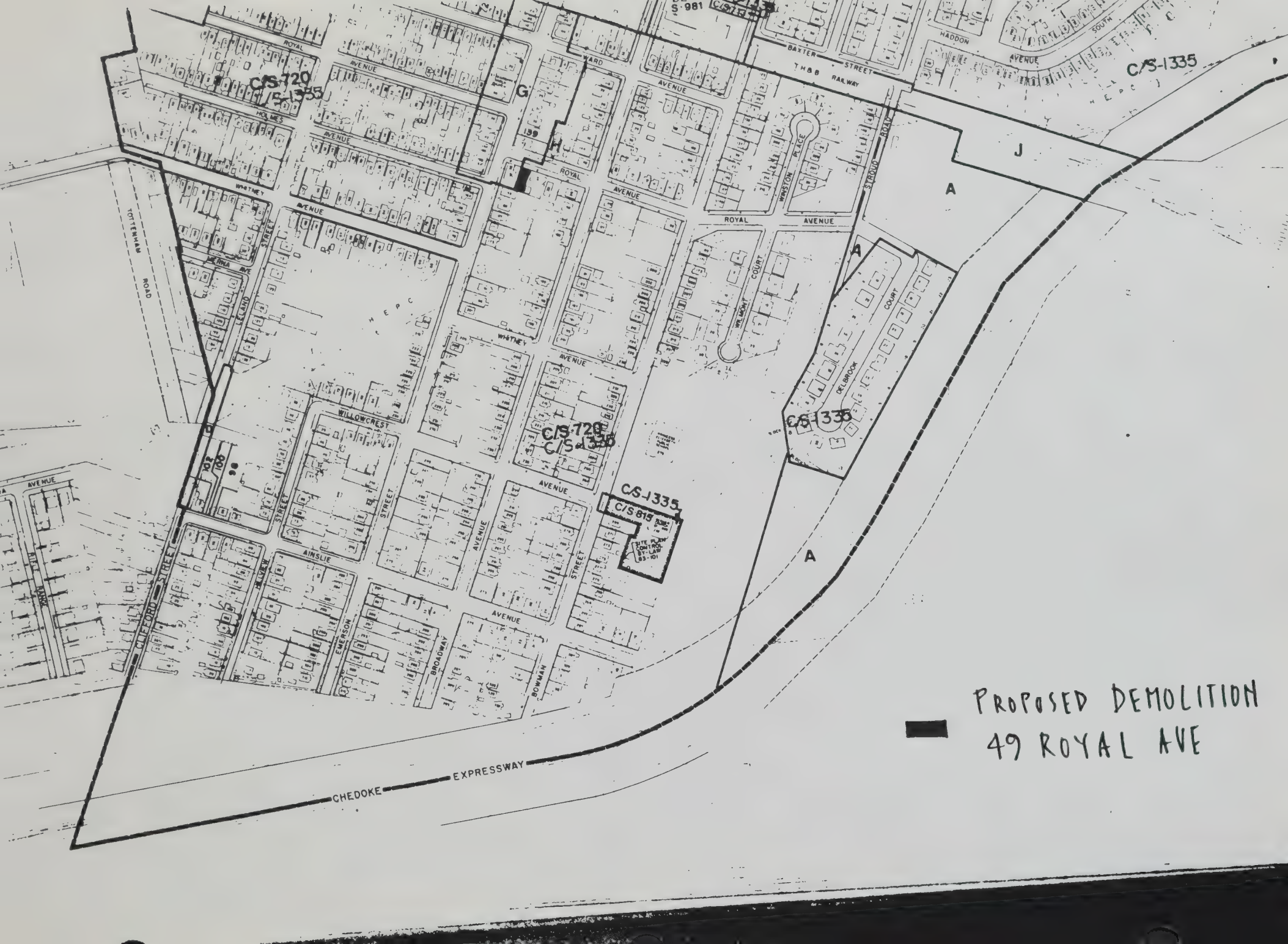
PROPOSED USE: Vacant Land

BRIEF DESCRIPTION: The owner proposes to demolish the one-storey vinyl sided single family dwelling and leave the land vacant. This property is located in the "Ainslie Wood East" Neighbourhood (please see attached neighbourhood map) and is located in Ward 1. No LACAC interest. Lot size 25.0' x 80.0'.

The owner of the property and applicant as per the demolition permit is:

Chris Lulgjuraj
169 Rifle Range Road
Hamilton, Ontario L8S 2Y1

FP/zr


PROPOSED DEMOLITION
49 ROYAL AVE
C/S-1335
C/S-720
C/S-1335
C/S-720
C/S-1335
C/S-1335
C/S 815
CHEDOKE EXPRESSWAY
CLIFFORD STREET
TOTTENHAM ROAD
BAXTER STREET
T H & B RAILWAY
ROYAL AVENUE
WARD AVENUE
HOLMES AVENUE
WHITNEY AVENUE
WILLOWCREST STREET
AINSLIE STREET
EMERSON STREET
BROADWAY AVENUE
BOWMAN STREET
WINSTON PLACE
WILMONT COURT
DELBROOK COURT
STROUD ROAD
MADDON AVENUE SOUTH
A
G
H
J

C iii)

CITY OF HAMILTON

- RECOMMENDATION -

MAR 13 1998

DATE: 1998 March 12

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1062 UPPER PARADISE ROAD - Tag Number 98-101597
(98.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1062 Upper Paradise Road in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: AA (Agricultural)

PRESENT USE: Vacant Single Family Dwelling

PROPOSED USE: Vacant Land

BRIEF DESCRIPTION: The owner proposes to remove the existing single family dwelling from this lot and relocate the dwelling on a different lot and leave this lot vacant. This property is located in the "Falkirk West" neighbourhood (please see attached neighbourhood map) and is located in Ward 8. No LACAC interest. Lot size 350.0' x 611.51'.

The owner of the property and applicant as per the demolition permit is:

Nick Culic
11 Paradise Road North
Hamilton, Ontario L8S 3S3

FP/zr



PROPOSED DEMOLITION.
1062 UPPER PARADISE

57 50 45 44 20 20 This is not a Legal Document For Zoning Verification Please Contact City Building Department.	CITY OF HAMILTON FALKIRK WEST ZONING
Neighbourhood Boundary Zoning Boundary	SCALE 0 100m 50m NORTH
Prepared for The City of Hamilton by the Planning and Development Department	PLANNING UNIT NO. 7607 PAGE NO. 45

C iv)

CITY OF HAMILTON

MAR 13 1998

- RECOMMENDATION -

DATE: 1998 March 12

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
701 UPPER SHERMAN AVENUE (C-Wing) (Sections B & H-13)
(98.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 701 UPPER SHERMAN AVENUE (C-Wing) in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "E" Multiple Dwellings (Map E-37)

PRESENT USE: Nursing Home (Macassa Lodge)

PROPOSED USE: Nursing Home

BRIEF DESCRIPTION: 3-storey brick "C" Wing

The owner wishes to demolish the "C" Wing and rebuild a new building. This property is located in the "Macassa" neighbourhood (please see attached neighbourhood map) and is located in Ward 6. No LACAC interest.

The owner of the property and applicant as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

FP/zr

PROPOSED DEMOLITION OF "C-WING"

D.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 March 13

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: P. Noé Johnson
City Solicitor

MAR 13 1998

SUBJECT: Discharges for Rental Housing Protection Act Agreements

RECOMMENDATION:

That upon fulfilment of obligations set out in Rental Housing Protection Act Agreements, Council authorizes the Mayor and City Clerk to sign discharges, to be registered on title at the sole expense of the party requesting the discharge, in a form satisfactory to the City Solicitor.

Phoé Johnson

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

See below.

BACKGROUND:

Pursuant to its authority under the Rental Housing Protection Act, the City has entered into a number of Rental Housing Protection Act Agreements. As obligations under these agreements are fulfilled, there will be no need for same to continue to be registered against title.

Accordingly, it is appropriate for Council to authorize the signing of discharges, to be registered on title at the expense of the party requesting the discharge, in a form satisfactory to the City Solicitor.

PNJ/AZ

E i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 March 9 MAR 1 3 1998
(CDM-CONV-98-001)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng
Chief Administrative Officer

SUBJECT:

Proposed Draft Plan of Condominium by Robert Dockeray -
11-23 Courtland Avenue, Gilkson Neighbourhood

RECOMMENDATIONS:

a) That approval be granted to application CDM-CONV-98-001 submitted by Robert Dockeray, owner, for a draft plan of condominium for property located at No. 11-23 Courtland Avenue, as shown on the attached map marked as APPENDIX "A", to provide for a condominium comprised of a 15 individual townhouse condominium units, subject to the following conditions:

i) That this approval applies to the attached draft plan dated March 5, 1998 (APPENDIX "B") prepared by A.T. McLaren Limited, O.L.S.;

ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor;

iii) That prior to approval of the final plan,

aa) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law 6593 and the Official Plan, and

bb) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593; and,

iv) That the owner shall have received the Certificate of Approval from the City of Hamilton pursuant to the Rental Housing Protection Act for the conversion of the rental property to a condominium (Application CD-95-011);

v) That the owner shall have satisfied all requirements, financial and otherwise of the Regional Municipality of Hamilton-Wentworth and that the City be advised by the Regional Municipality of Hamilton-Wentworth that this condition has been carried out to its satisfaction. The clearance letter from the Regional Municipality shall include a brief statement for each condition detailing how it has been satisfied and carried out; and,

vi) That the Director of Planning and Development shall have been satisfied that the conditions of approval are fulfilled or provided for as required.

b) That the Mayor and the City Clerk be authorized to grant draft approval by signing the draft plan.

c) That the Mayor and City Clerk be authorized to sign the final plan of condominium once the requirements herein are completed.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner -

Robert Dockeray, Unionville, Ontario

Surveyor -

A.T. McLaren Limited, Hamilton, Ontario

Location -

The lands known municipally as No. 11-23 Courtland Avenue, comprising 0.33 hectares, are located at the north-east corner of Stone Church Road West and Courtland Avenue, in the Gilkson Neighbourhood (see attached key map).

Proposal -

The owner proposes to convert the existing rental townhouse complex containing 15 units to condominium status.

Existing Development Controls -

Hamilton-Wentworth Official Plan - The lands are identified as "Urban" on Map 1 - the Regional Development Pattern. The proposal complies.

City of Hamilton Official Plan - According to Schedule "A", the lands are designated "Residential". The proposed use is consistent with the Official Plan.

Neighbourhood Plan - The lands are designated "Attached Housing" according to the Gilkson Neighbourhood Plan. The proposal complies.

City of Hamilton Zoning By-law - The lands are zoned "DE/S-345" (Low Density Multiple Dwellings) District. The proposal complies with the "DE" District provisions.

Site Plan Control - The lands are under Site Plan Control By-law No. 79-275, as amended by By-law No. 90-285.

Rental Housing Protection Act - Application CD-95-011 was approved by Council on May 14, 1996 subject to several conditions. Recommendation of draft approval status of the Plan of Condominium is conditional upon the owner securing the Certificate of Approval.

Comments from Circulation -

The following agencies had no comments or objection toward the proposal:

- Traffic Division, Public Works and Traffic Department
- Regional Environment Department (Development Division)
- Regional Environment Department (Planning Division)
- Region of Hamilton Wentworth Treasury Management Department

The Building Department has submitted the following comments:

"1. This property is also known as 526-536 Stone Church Road West.

2. The recognized use as built is three buildings consisting of a total of 15 dwelling units with 22 parking spaces, including 5 parking spaces for visitors.

3. Each parking space must be at least 6.0 m in length with a manoeuvring aisle width of 6.0 m.

4. The original site plan indicated that the parking spaces were to be a minimum of 10 feet from Courtland Avenue."

COMMENTS:

The applicant wishes to convert 15 existing rental townhouse units to 15 condominium townhouse units on the subject property. To complete this process, the applicant must first acquire approval from the City to remove the units from the rental market pursuant to the Rental Housing Protection Act, and then apply for the City's approval under the Condominium Act for the legal division of the property.

On May 14, 1996, Council approved application CD-95-011 under the Rental Housing Protection Act to remove the units from the rental market subject to certain conditions being incorporated in a registered agreement on title. Upon registration of this agreement, the City will issue a "Certificate of Approval" to indicate the completion of this part of the conversion process. To date, the agreement has not been registered and therefore the Certificate of Approval has not been issued. As a condition of draft approval of this condominium application, the owner will have had to complete the Rental Housing Protection Act conditions and received the Rental Housing Protection Act Certificate of Approval.

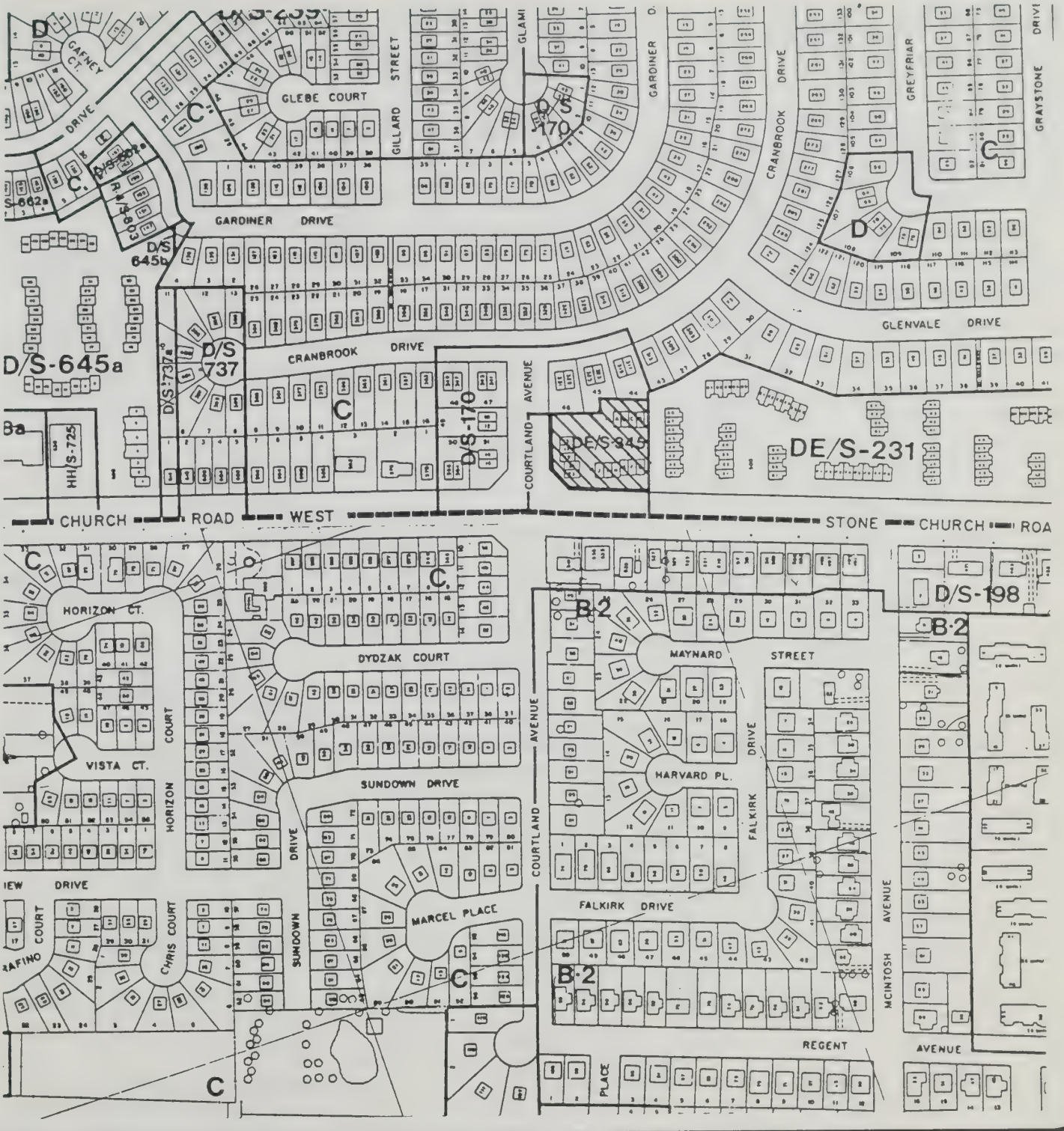
CONCLUSION:

Based on the above, the draft plan of condominium should be approved, subject to the conditions outlined.

JHE

c:\rhpa\cdm98001.rpt

APPENDIX "A"



City of Hamilton

Key Map

11-23 COURTLAND AVENUE

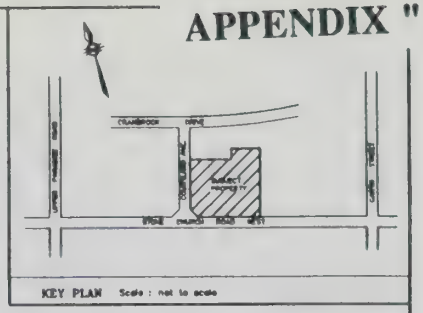
Planning and Development Department

Legend

Location of Subject Lands

North	Scale	Reference File No.
	Not to Scale	CDM CONV 98001
	Date	Drawn By
	March 1998	R.L.

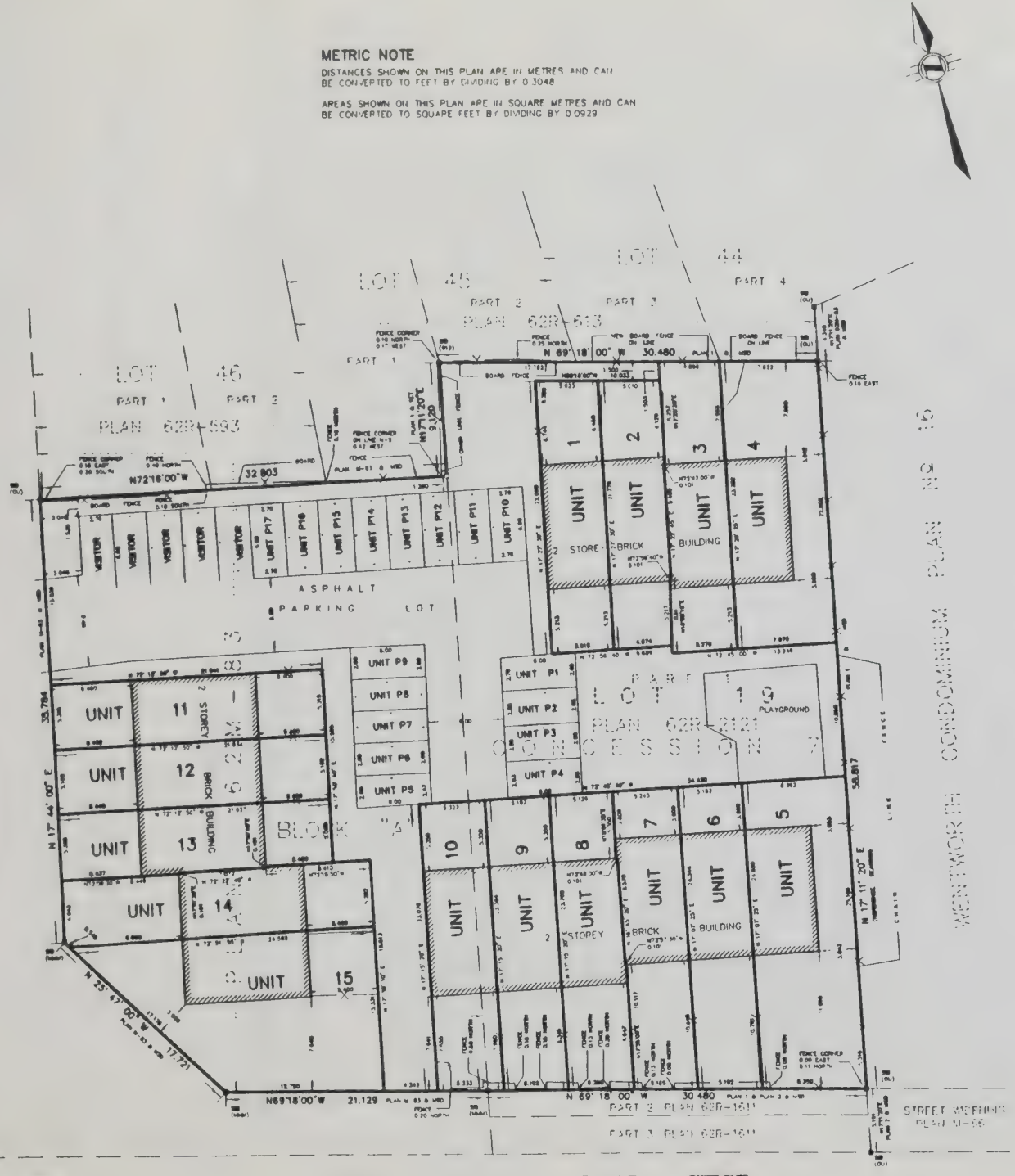
APPENDIX "B"



METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

AREAS SHOWN ON THIS PLAN ARE IN SQUARE METRES AND CAN BE CONVERTED TO SQUARE FEET BY DIVIDING BY 0.0929



ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS

ROZALIE GARDENS

BEING A DRAFT PLAN OF CONDOMINIUM

OF PART OF

LOT 19, CONCESSION 7

IN THE

GEOGRAPHIC TOWNSHIP OF BARTON

AND ALL OF

BLOCK 'A', PLAN M-83

NOW IN THE

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH

SCALE 1:200 metres

S.D. McLAREN, O.L.S. - 1998

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT

THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN

MARCH 5, 1998
DATE

S.D.McLAREN, O.L.S.

SECTION 51 (17) PLANNING ACT, AS REVISED

(A) SHOWN ON PLAN	(G) SHOWN ON PLAN
(B) SHOWN ON PLAN	(H) MUNICIPAL PIPED WATER AVAILABLE
(C) SHOWN ON PLAN	(I) CLAY LOAM
(D) SEE SCHEDULE	(J) SHOWN ON PLAN
(E) SHOWN ON PLAN	(K) MUNICIPAL SERVICES EXISTING
(F) SHOWN ON PLAN	(L) SHOWN ON PLAN

SCHEDULE

TOTAL AREA OF SITE	=	3 330.1 m^2
TOTAL NUMBER OF UNITS	=	15
TOTAL VISITORS PARKING SPACES	=	3
TOTAL RESIDENTS PARKING SPACES	=	19
MAXIMUM BUILDING HEIGHT	=	TWO STOREY

A.T. McL... Limited
LEGAL AND ENG... SURVEYS
69 JOHN STREET ... SUITE 230
HAMILTON ONTARIO ... 2B8
PHONE (905) 527-8559 FAX (905) 527-0032

E ii)

CITY OF HAMILTON

- RECOMMENDATION -

MAR 1 1 1998

DATE: 1998 March 17
(P-5-2-6)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J.G. Pavelka, P.Eng.,
Chief Administrative Officer

SUBJECT: Public Meeting Concerning 1717 Upper James Street - Allison Neighbourhood

RECOMMENDATION:

That the Allison Neighbourhood Plan remain unchanged and the extension of McClary Avenue to connect with Upper James Street is not warranted at this time. In this regard, it is not necessary to hold a public meeting prior to the sale of the 1717 Upper James Street.

V. J. Abraham

J. G. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Purchase of the Property in 1962

  In 1962, the City purchased 1717 Upper James Street for the purposes of the extension of McClary Avenue. The total property has a frontage of 20.7 m (68 ft.) x 176 m (578 ft.) [see APPENDIX "A"].

At the time of the preparation of the Allison Neighbourhood Plan in 1988, the decision was made not to extend McClary Avenue to Upper James Street [see APPENDIX "B"]. However, the rear portion of the land (Parcel C) was required for the future extension of Bartlett Avenue and for the provision of a servicing easement for future residential development on Bartlett Avenue. Parcels A and B would be developed in accordance with the commercial and residential designations in the Neighbourhood Plan.

- Sale of Property at No. 1717 Upper James Street

The Finance and Adminstration Committee, at its meeting of September 23, 1997, tabled the recommendation for the sale of the front portion (Parcel A) of this City owned property. The property has a frontage of 20.7 m (68 ft.) on Upper James Street and a depth of 67 m (220 ft.). Parcel B which has a frontage of 20.7 m on the future extension of Bartlett Avenue x 32.8 m in depth would be retained by the City for future residential purposes. Parcel C would be retained for the future road and servicing easement.

- Public Meeting - Allison Neighbourhood

The Planning and Development Committee, at it meeting of September 24, 1997, recommended that:

> *"The Director of Planning be directed to hold a public meeting on the issue of the proposed sale of the City property - 1717 Upper James Street and the effect this sale will have on the Allison Neighbourhood."*

For the information of the Committee, the lands to be sold (Parcel A) are designated "Commercial" in the Official Plan and the approved Allison Neighbourhood Plan and zoned "B" (Suburban Agriculture and Residential, etc.) District. A rezoning to "HH" or other similar commercial district will be required prior to the development of the lands for commercial purposes.

Much of the discussion at both the Finance and Administration and the Planning and Development Committees centred around the extension of McClary Avenue to connect with Upper James Street.

EXTENSION OF MCCLARY AVENUE TO UPPER JAMES STREET

From the Traffic Division's and Transportation Department's perspectives, the extension of McClary Avenue to Upper James Street is not desirable for the following reasons:

1) it will introduce a new street access onto Upper James Street which would not be aligned with the intersections on the west side of Upper James Street (i.e. Alderson and Malton Drives); and,
2) it would allow for a short cut through the neighbourhood to avoid the traffic signal at the intersection of Upper James Street and Rymal Road.

One of the goals of neighbourhood design is to establish a road pattern that minimizes shortcuts through the residential areas. In this regard, the extension of McClary Avenue would conflict with this design principle.

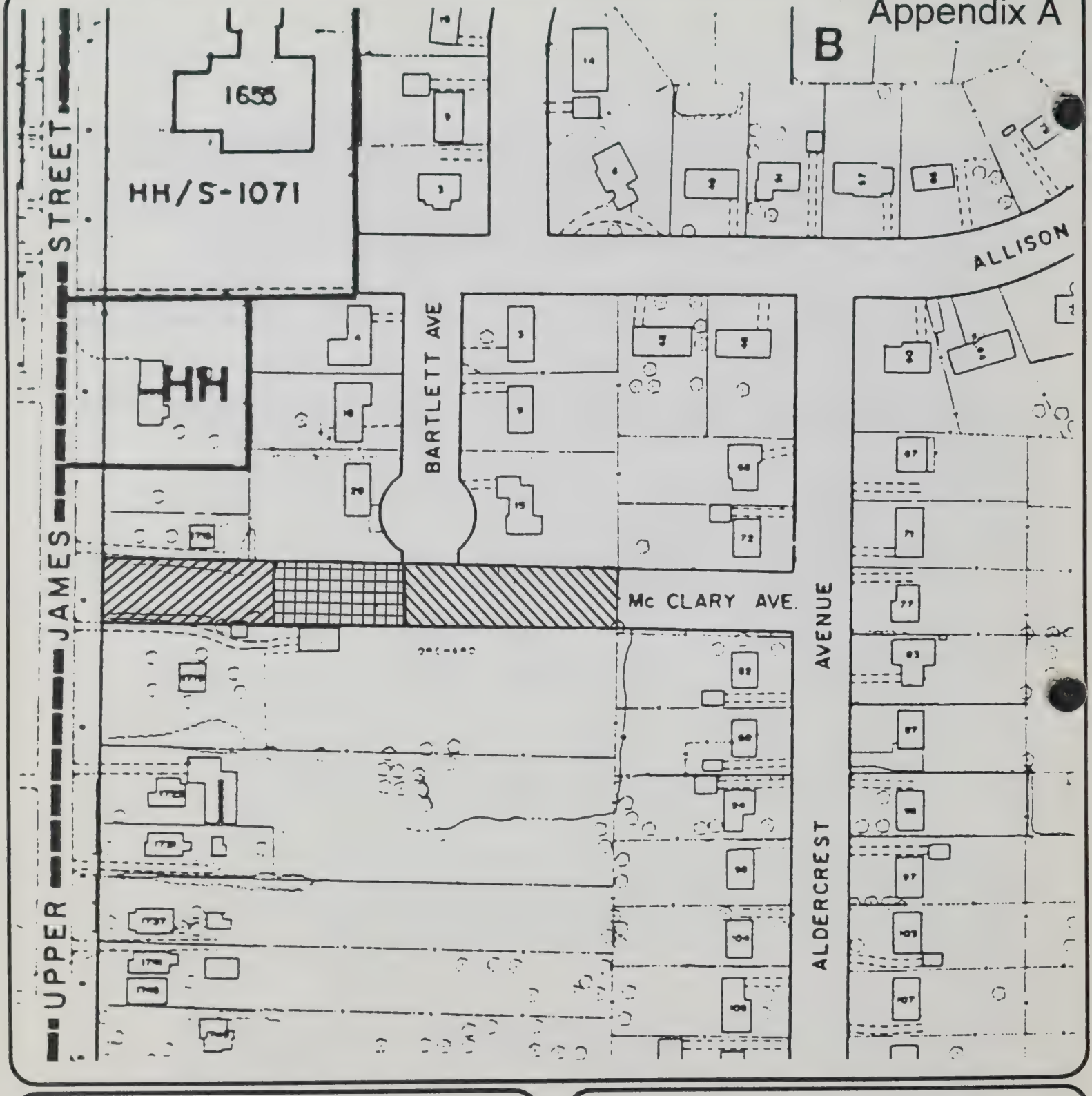
Staff have had discussions with the Ward Aldermen concerning the need to hold this meeting. It is their opinion the extension of McClary Avenue is not warranted at this time.

CONCLUSION:

Based on the above, it is recommended that a public meeting to discuss the extension of the McClary Avenue is not warranted at this time.

JHE
c:\miscplan\allison

Appendix A



Legend

- Lands to be sold by the City. (Parcel A)
- Lands to be retained by the City. (Parcel B)
- Servicing easement and extension of Bartlett Avenue. (Parcel C)

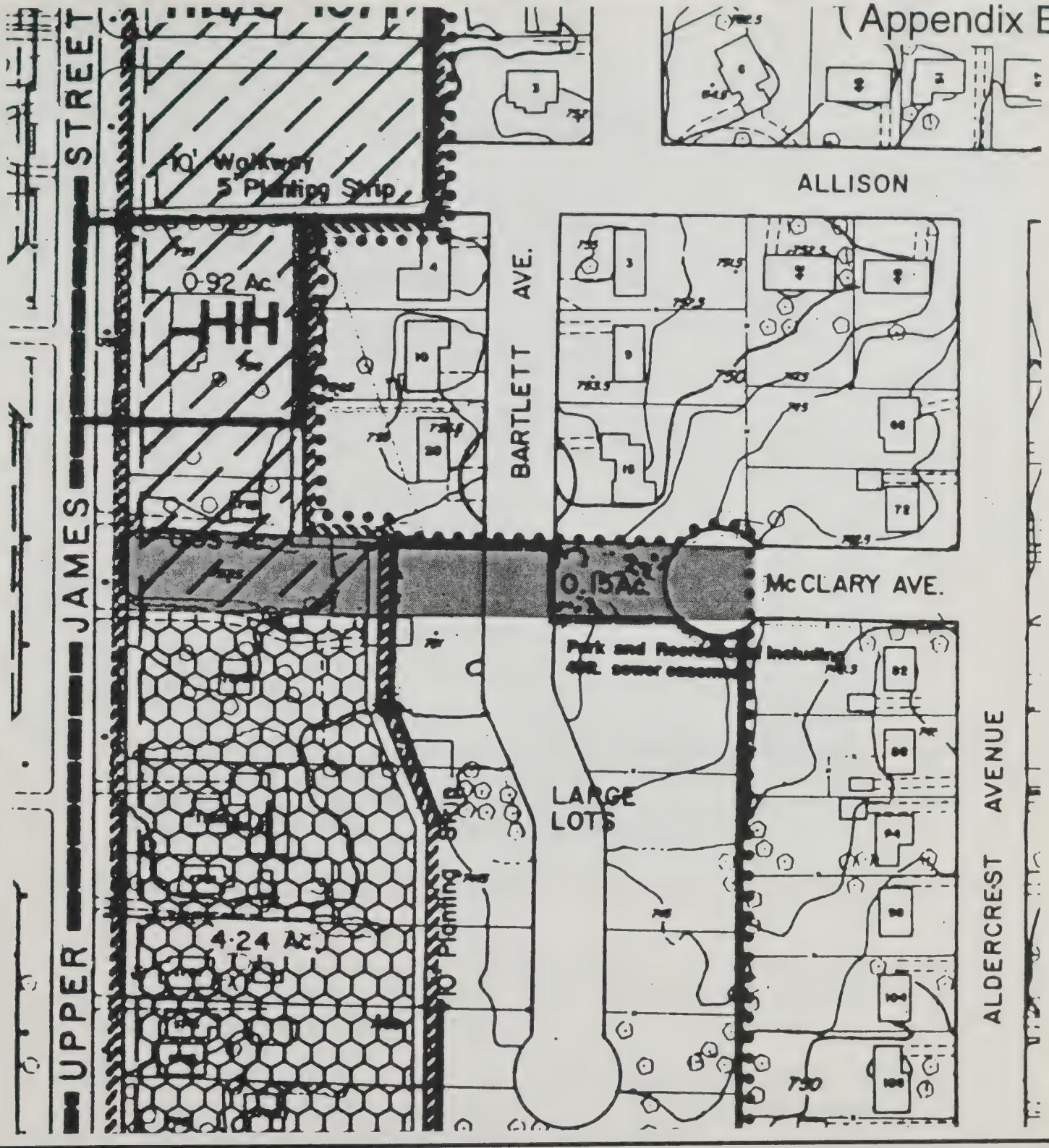
City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	P5-2-6
	Date	Drawn By
	March, 1998	R. L.

Appendix B



Land Use

Residential	Non-Residential
Single and Double	Offices & Service Comm
Attached Housing	Highway Commercial
Low Density Apartments	Civic and Institutional
Medium Density Apartments	Park and Recreational
High Density Apartments	Open Space
Neighbourhood Commercial (Uses Shall Not Include High Traffic Generators such as a Restaurant)	Utilities

Site of the Application

City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	P5-2-6
	Date	Drawn By
	March, 1998	R.L.

E iii)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1998 March 16 MAR 1 , 1998
(PLC-98-02)
Eleanor Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Application to Remove Part-Lot Control
"Eagleview Estates, Phase 1" Subdivision
Registered Plan No. 62M-829

RECOMMENDATION:

a) That approval be given to Part Lot Control Application PLC-98-02, Harp Homes Inc. (Martin Mazza, President), owner, to remove part-lot control for the purpose of establishing maintenance easements for Lots 1 - 6, inclusive, Registered Plan 62M-829 "Eagleview Estates, Phase 1", as shown on APPENDIX "A";

b) That the exempting by-law be restricted to a 1 year effective time period to expire on April 1, 1999;

c) That the attached by-law to remove part lot control Lots 1 - 6, inclusive, Registered Plan 62M-829 "Eagleview Estates, Phase 1" plan of subdivision, effective until April 1, 1999 for presentation to City Council; and,

d) That following enactment of this by-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse the same on the by-law.

V. Abraham J.G. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The application for removal of part lot control is to permit the establishment of maintenance easements in accordance with the approved plan of subdivision "Eagleview Estates, Phase 1". The maintenance easements will be on Lots 1 - 6, inclusive (see Appendix "B").

Location

The lands are located east of Upper Sherman Avenue, west of Eleanor Avenue, in the Eleanor Neighbourhood (see Appendix "A").

COMMENTS:

1. Removal of "part-lot" control is a measure provided for under the Planning Act to permit minor division of land without having to obtain approval of each individual parcel of land by the Committee of Adjustment, thereby reducing the overall administrative process required to obtain the same objective. The measure is exercised by municipalities by registering a by-law in the Land Titles offices. It can apply only to lands within a registered plan of subdivision. In addition, Section 50(7.3) of the Planning Act, allows for an expiration date to be described in the part-lot control by-law, thereby eliminating the need to repeal said by-law. Under Section 50(7.4), Council may grant an extension before the expiration of the By-law if needed without the approval of the Minister.

2. The applicant is required under the City Subdivision Agreement to obtain a part-lot control by-law to establish maintenance agreements for the future property owners to access and maintain the side of the single family dwellings set on or adjacent to the lot-line.

CONCLUSION:

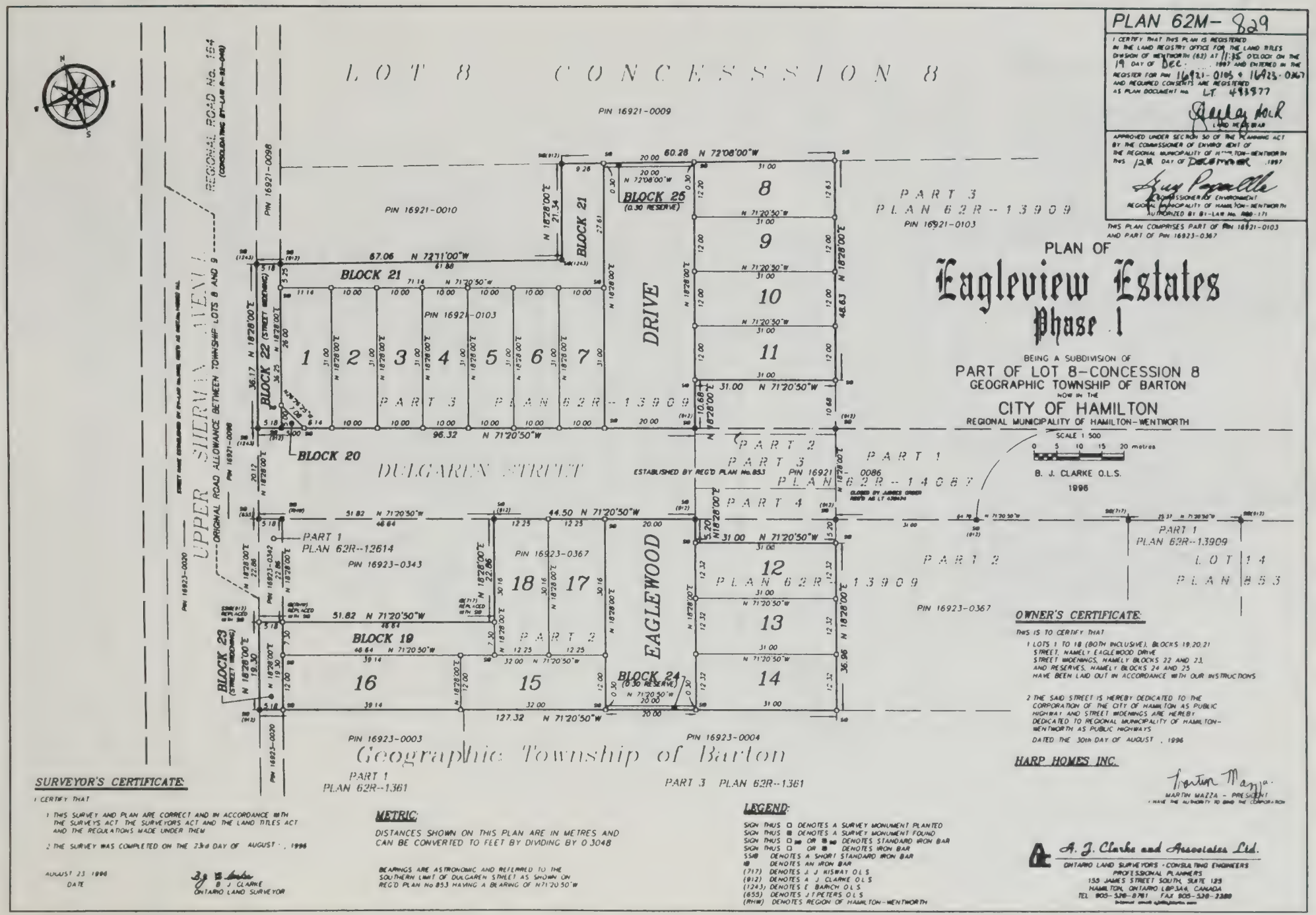
Based on the foregoing, the request to remove part-lot control can be supported.

SR/sr
PLC98-02.rpt

EAGLEWOOD DRIVE

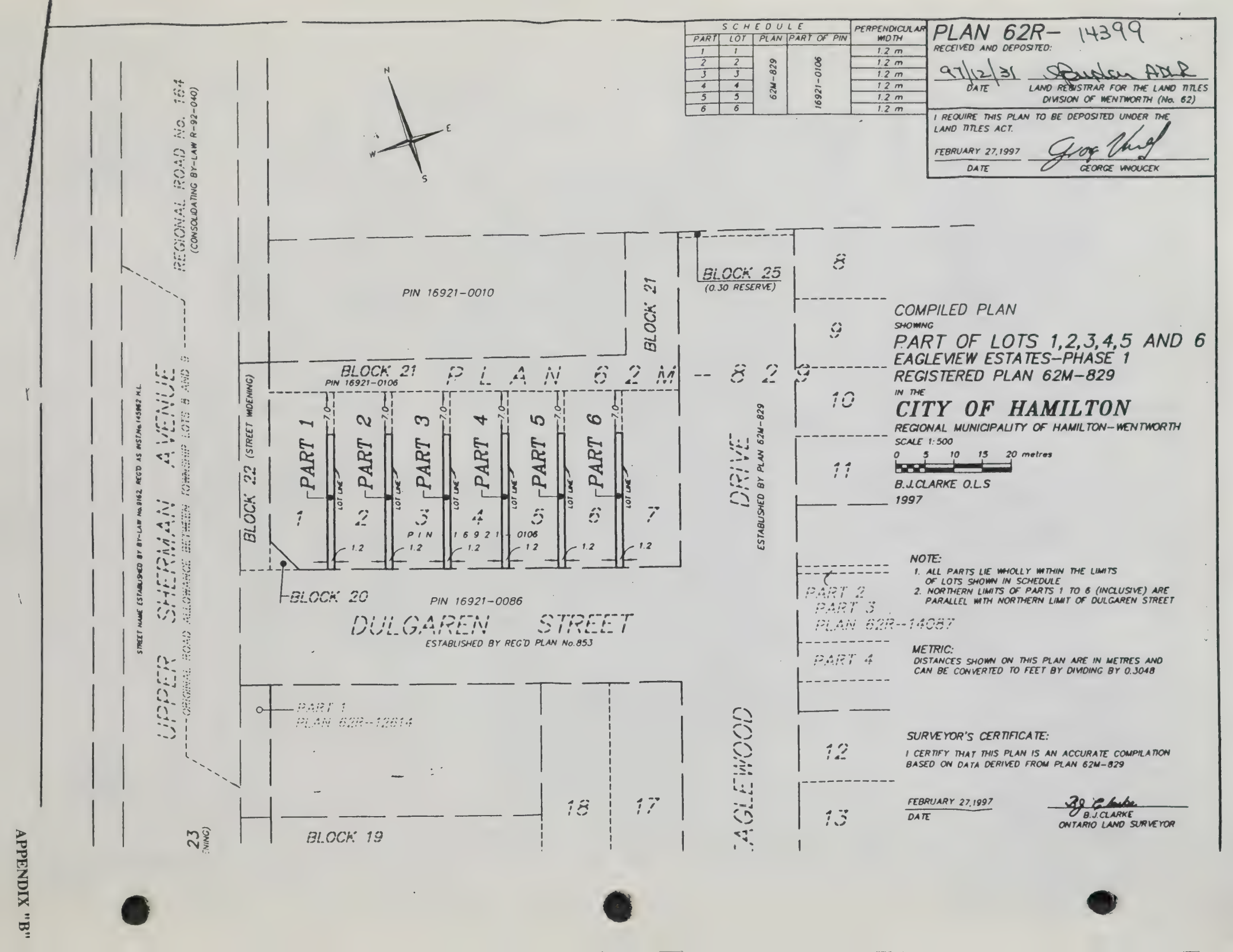
M-829

S.K.



N:\JOBS\EAGLEVIEW\SURVEYS\SURDIV\BORDER(BARTON DIST)

APPENDIX "A"


SCHEDULE
PART | LOT | PLAN | PART OF PIN | PERPENDICULAR WIDTH
1 | 1 | 62M-829 | 16921-0106 | 1.2 m
2 | 2 | | | 1.2 m
3 | 3 | | | 1.2 m
4 | 4 | | | 1.2 m
5 | 5 | | | 1.2 m
6 | 6 | | | 1.2 m
PLAN 62R- 14399
RECEIVED AND DEPOSITED:
97/12/31
DATE
LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (No. 62)
I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.
FEBRUARY 27,1997
DATE
GEORGE VINOUCEK
REGIONAL ROAD No. 164
(CONSOLIDATING BY-LAW R-92-040)
UPPER SHERMAN AVENUE
STREET NAME ESTABLISHED BY BY-LAW No.8162 REG'D AS INST.No.145862 H.L.
PIN 16921-0010
BLOCK 25
(0.30 RESERVE)
BLOCK 21
BLOCK 21
PIN 16921-0106
PLAN 62M -- 822
BLOCK 22 (STREET WIDENING)
PART 1
PART 2
PART 3
PART 4
PART 5
PART 6
7.0
LOT LINE
1.2
PIN 16921-0106
BLOCK 20
PIN 16921-0086
DULGAREN STREET
ESTABLISHED BY REG'D PLAN No.853
DRIVE
ESTABLISHED BY PLAN 62M-829
EAGLEWOOD
PART 1
PLAN 62R--12814
BLOCK 19
18
17
23
8
9
10
11
12
13
PART 2
PART 3
PLAN 62R--14087
PART 4
COMPILED PLAN
SHOWING
PART OF LOTS 1,2,3,4,5 AND 6
EAGLEVIEW ESTATES--PHASE 1
REGISTERED PLAN 62M-829
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON--WENTWORTH
SCALE 1:500
0 5 10 15 20 metres
B.J.CLARKE O.L.S
1997
NOTE:
1. ALL PARTS LIE WHOLLY WITHIN THE LIMITS OF LOTS SHOWN IN SCHEDULE
2. NORTHERN LIMITS OF PARTS 1 TO 6 (INCLUSIVE) ARE PARALLEL WITH NORTHERN LIMIT OF DULGAREN STREET
METRIC:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048
SURVEYOR'S CERTIFICATE:
I CERTIFY THAT THIS PLAN IS AN ACCURATE COMPILATION BASED ON DATA DERIVED FROM PLAN 62M-829
FEBRUARY 27,1997
DATE
B.J.CLARKE
ONTARIO LAND SURVEYOR

APPENDIX "B"

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 98—

To Remove
Land within the "Eagleview Estates, Phase 1" Subdivision, Plan 62M-829
from Part Lot Control

WHEREAS subsection 5 of Section 51 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

(7) **Designation of lands not subject to part lot control. --** Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.

(7.1) **Requirement for approval of by-law. --** A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.

(7.2) **Exemption from approval. --** An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.

(7.3) **Expiration of by-law. --** A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.

(7.4) **Extension of time period. --** The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

(7.5) **Amendment or repeal. --** The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton–Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, for the purpose of creating maintenance easements, shall not apply to the following lands:

Lots 1 - 6, inclusive, within Registered Plan Number 62M-829, in the City of Hamilton, Regional Municipality of Hamilton–Wentworth.

2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton–Wentworth.

(b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

(c) This By-law shall expire on April 1, 1999.

PASSED this day of A.D. 1998.

City Clerk Mayor

E iv)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1998 March 13 MAR 1 3 1998
(PLC-96-01)
Allison Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for Extension from Exemption from Part-Lot Control for "Allison Estates - Phase 1, Stage 2" Subdivision Registered Plan No. 62M-795

RECOMMENDATION:

(a) That approval be given to the request by David Elliot, Solicitor for 200 Rymal Road Inc. (A. DiSilvestro), owner, for a 1 year extension for exemption from part-lot control for the purposes of establishing maintenance easements for Lots 8 and 19, Registered Plan 62M-795, "Allison Estates, Phase 1, Stage 2", as shown on APPENDIX "A"; and,

(b) That the attached by-law, marked as APPENDIX "B", to extend part-lot control from Lots 8 and 19, Registered Plan 62M-795, "Allison Estates - Phase 1, Stage 2" plan of subdivision, effective until May 1, 1999, be enacted by Council.

V. Abraham J. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The applicant, David Elliot, Solicitor for 822827 Ontario Inc., owner, has requested a 1 year extension to Part Lot Control By-law No. 96-174 to allow for the establishment of maintenance easements in accordance with the Registered Plan of Subdivision 62M-795, "Allison Estates - Phase 1, Stage 2". The maintenance agreements will be on Lots 8 and 19.

Council, at its meeting of October 29, 1996, passed By-law No. 96-174 which exempted the subject lands for a period of 3 months to February 1, 1997. The exempting By-law was subsequently extended until May 1, 1998. Lots 1-7 and 9-18 have already been developed. An extension to Part Lot Control By-law is required until dwellings are constructed on lots 8 and 19 and transferred to the home buyers. In accordance with Section 50(7.4) of the Planning Act, the applicant has requested that Council extend the exemption from part-lot control.

Location

The lands are located south of Rymal Road and west of Upper Wellington Street in the Allison Neighbourhood.

COMMENTS:

1. Removal of "part-lot" control is a measure provided for under the Planning Act to permit minor division of land without having to obtain approval of each individual parcel of land by the Committee of Adjustment in accordance with their consent granting authority, thereby reducing the overall administrative process required to obtain the same objective. The measure is exercised by municipalities by registering a by-law in the Land Titles offices. It can apply only to lands within a registered plan of subdivision. In addition, Section 50(7.3) of the Planning Act, allows for an expiration date to be described in the part-lot control by-law, thereby eliminating the need to repeal said by-law. Under Section 50(7.4), Council may grant an extension before the expiration of the By-law if needed without the approval of the Minister.

   During the effective time period, lands may be conveyed or easements established in the absence of any additional municipal review. Given that the applicant is proposing to establish maintenance easements on the subject lands, then the easements can be registered at any time during the effective period of the By-law, irrespective of whether or not building permits have been issued or if dwellings are under construction. In this regard, the exempting by-law should be restricted to a 1 year effective time period.

2. The applicant is required under the City Subdivision Agreement to obtain a part-lot control by-law to establish maintenance agreements for the future property owners to access and maintain the side of the single family dwellings set on or adjacent to the lot-line.

3. The attached by-law to remove "part-lot" control has been prepared in a form satisfactory to the City Solicitor.

CONCLUSION:

Based on the foregoing, the request to remove part-lot control can be supported.

SR/sr
PLC96-01.4th

SEDONA COURT

M-195

25T-910148

Metric

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

APPROVED UNDER SECTION 50 OF THE PLANNING ACT BY THE COMMISSIONER OF PLANNING AND DEVELOPMENT OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

THIS 17th DAY OF September, 1996

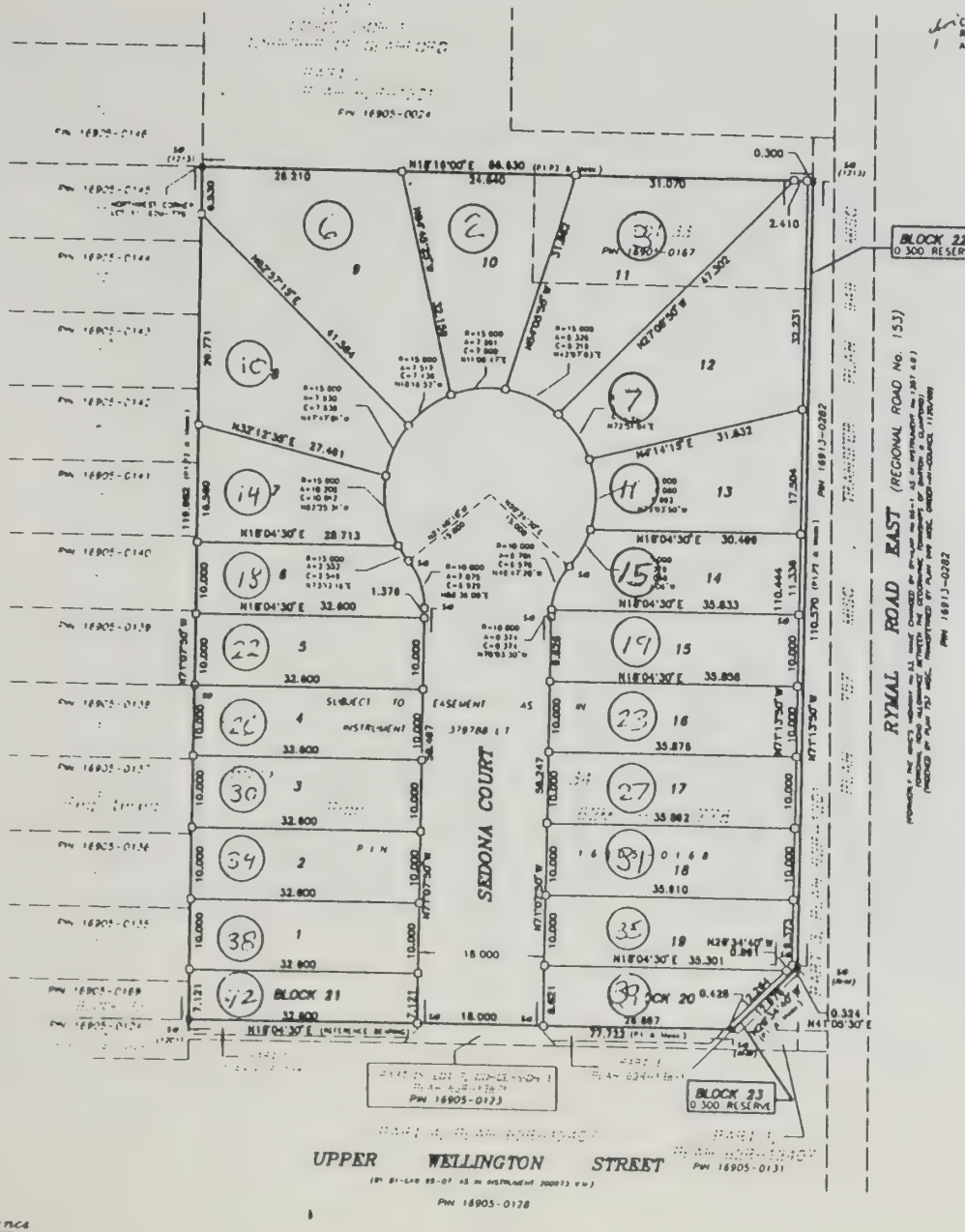
Commissioner of Planning and Development
Regional Municipality of Hamilton-Wentworth
Authorized by By-Law no R 89-171

PLAN 62M-705

I CERTIFY THAT THIS PLAN 62M-705 IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF WENTWORTH (62) AT 11:48 O'CLOCK ON THE 1st DAY OF October 19 96 AND ENTERED IN THE REGISTER FOR PROPERTY IDENTIFIER No 16905-0167 16905-0168 AND REQUIRED CONSENTS AND AFFIDAVITS ARE REGISTERED AS PLAN DOCUMENT NO. LT 421335.

LAND REGISTRAR

THIS PLAN COMPRISES PIN 16905-0168
PIN 16905-0167
SUBJECT TO EASEMENT AS SET OUT IN INSTRUMENT 379788 LT



Allison Estates

Phase 1, Stage 2

BEING A SUBDIVISION OF

LOT 33 AND BLOCK 34
REGISTERED PLAN 62M-778

IN THE GEOGRAPHIC
TOWNSHIP OF GLANFORD
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE 1 500

0 5 10 15 20 30 40 metres

MACKAY, MACKAY & PETERS LIMITED
1996

Legend

●	DENOTES A SURVEY MONUMENT FOUND
○	DENOTES A SURVEY MONUMENT PLANTED
SIB	DENOTES STANDARD IRON BAR
SSIB	DENOTES SHORT STANDARD IRON BAR
IB	DENOTES IRON BAR
•	DENOTES ROUND
CC	DENOTES CUT CROSS
CP	DENOTES CONCRETE PIN
WIT	DENOTES WITNESS
(O.U.)	DENOTES ORIGIN UNKNOWN
P1	DENOTES REGISTERED PLAN 62M-778
P2	DENOTES PLAN 62R-12467
(RHW)	DENOTES REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
(1213)	DENOTES J.D. PETERS, O.L.S.

ALL BARS ARE I.B.'S UNLESS OTHERWISE NOTED

Surveyor's Certificate

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER
2. THIS SURVEY WAS COMPLETED ON THE 16th DAY OF JULY 1996

SEPTEMBER 11, 1996
DATE

JAMES LAWS
ONTARIO LAND SURVEYOR

Owner's Certificate

THIS IS TO CERTIFY THAT

1. LOTS 1 TO 19 BOTH INCLUSIVE, THE STREETS NAMELY SEDONA COURT, BLOCKS 20 & 21, AND 0.300 RESERVES NAMELY BLOCKS 22 & 23 HAVE BEEN LAID OUT IN ACCORDANCE WITH MY INSTRUCTIONS
2. THE STREET IS HEREBY DEDICATED TO THE CORPORATION OF THE CITY OF HAMILTON AS A PUBLIC HIGHWAY

DATED AT HAMILTON ONTARIO

THIS 11th DAY OF SEPTEMBER 1996

200 RYMAL ROAD INC

JOHN A PARENTE
"I HAVE THE AUTHORITY TO BIND THE CORPORATION"

MACKAY ONTARIO LAND SURVEYORS ESTABLISHED 1926

Bearing Reference

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WEST LIMIT OF PLAN 62M-778 HAVING A BEARING

APPENDIX "A"

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 98-

To Extend By-law No. 97-058

Respecting:

**LAND WITHIN THE "ALLISON ESTATES, PHASE 1, STAGE 2"
SUBDIVISION (62M-795)
PLAN 62R-13933**

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

(7) **Designation of lands not subject to part lot control. --** Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.

(7.1) **Requirement for approval of by-law. --** A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.

(7.2) **Exemption from approval. --** An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.

(7.3) **Expiration of by-law. --** A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.

(7.4) **Extension of time period. --** The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

(7.5) **Amendment or repeal. --** The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Council of The Corporation of the City of Hamilton enacted By-law No. 97-058 on April 8, 1997 to remove the lands described in section 1 thereof from part lot control, which by-law shall expire on May 1, 1998;

AND WHEREAS a request has been made for an extension of the time period specified for the expiration of By-law No. 97-058, as it relates to Lots 8 and 19 only;

AND WHEREAS approval under subsection (7.1) is not required for an extension in accordance with subsection (7.4);

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 2.(c) of By-law No. 97-058 is hereby repealed and the following substituted therefor:

   "(c) Other than Lots 8 and 19, this By-law shall no longer be of any force and effect. As it relates to Lots 8 and 19, this By-law shall expire on May 1, 1999."

2. In all other respects, By-law No. 97-058 is hereby confirmed, unchanged.

3. Where this by-law has been enacted it shall be registered on title to the land described in section 1 of By-law No. 97-058.

PASSED this day of A.D. 1998.

CITY CLERK MAYOR

EV)

CITY OF HAMILTON

- RECOMMENDATION -

MAR 1 ? 1998

DATE: 1998 March 17
ZAC-97-09
Beasley Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Further modification in zoning - No. 195 Ferguson Avenue North.

RECOMMENDATION:

That staff be directed to request the Ontario Municipal Board to include the following two variances to By-law No. 97-147 for the property located at No. 195 Ferguson Avenue North, as shown on the attached map marked as APPENDIX "A":

i) That By-law No. 97-147 be amended on the following basis:

a) delete clause 1.(a) and replace with the following new clause:

"notwithstanding Section 11(1) of Zoning By-law No. 6593, the following use shall be permitted in the existing building located at No. 195 Ferguson Avenue North:

1) drop-in centre on the first and second floor only;
2) storage room accessory to the drop-in centre in the underground parking garage.

b) that a new clause 1.(d) be added as follows:

"notwithstanding Section 2(d)(i) of By-law 92-197, eighty-five parking spaces shall be provided and maintained for the existing eighty-eight (88) Class "A" dwelling units."

c) That the proposed amendment to By-law No. 97-147 is in conformity with the Official Plan for the Hamilton Planning Area.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

See below

BACKGROUND:

City Council, at its meeting of July 8, 1997, passed By-law No. 97-147, to permit a drop-in centre (Wesley) on the first and second floors within the building located at No. 195 Ferguson Avenue. The By-law has been appealed to the Ontario Municipal Board and a hearing is scheduled for April 1 to 3.

NEW INFORMATION:

Subsequent to the by-law being passed by City Council, Wesley Urban Ministries required additional storage space for the drop-in centre. The centre proposes to use a portion of the parking garage for this use and a building permit was submitted to the City. Two variances to the zoning by-law are required as follows:

1) to permit the accessory use to the drop-in centre in the underground garage. The way the amending by-law is written the drop-in centre and any accessary uses would be permitted on the first and second floors only.

2) it requires the removal of 3 required parking spaces. At the present time, the site has 90 parking spaces (20 parking spaces allocated for the townhouses on Elgin Street, 6 above ground parking spaces and 64 parking spaces underground). The zoning by-law requires 88 parking spaces (1 parking space per unit).

COMMENTS:

Wesley Urban Ministries has advised the number of parking spaces that are used on a regular basis is as follows:

UNITS	NUMBER OF CAR SPACES USED AT THE PRESENT TIME
Internal Townhouse Units (8 units)	2
Apartment Units	6
Office space/Drop-in Centre	11 spaces used at a time
Townhouses on Elgin	20
TOTAL NUMBER OF PARKING SPACES USED	**39**

The Traffic Division of the Public Works and Traffic Department has verbally advised the reduction in 3 parking spaces is considered minor in nature. In addition, the frequency of car ownership tends to be less for tenants in assisted housing.

AMENDMENT TO BY-LAW NO. 97-147

Once a by-law has been appealed to the Ontario Municipal Board, the Board has the power to amend the by-law, approve the by-law (in whole or in part), or dismiss the by-law. Since By-law 97-147 will be before the Board in the near future, the most efficient and effective way for the City to make the foregoing amendments is by making a request to the Board these variances be included at the hearing.

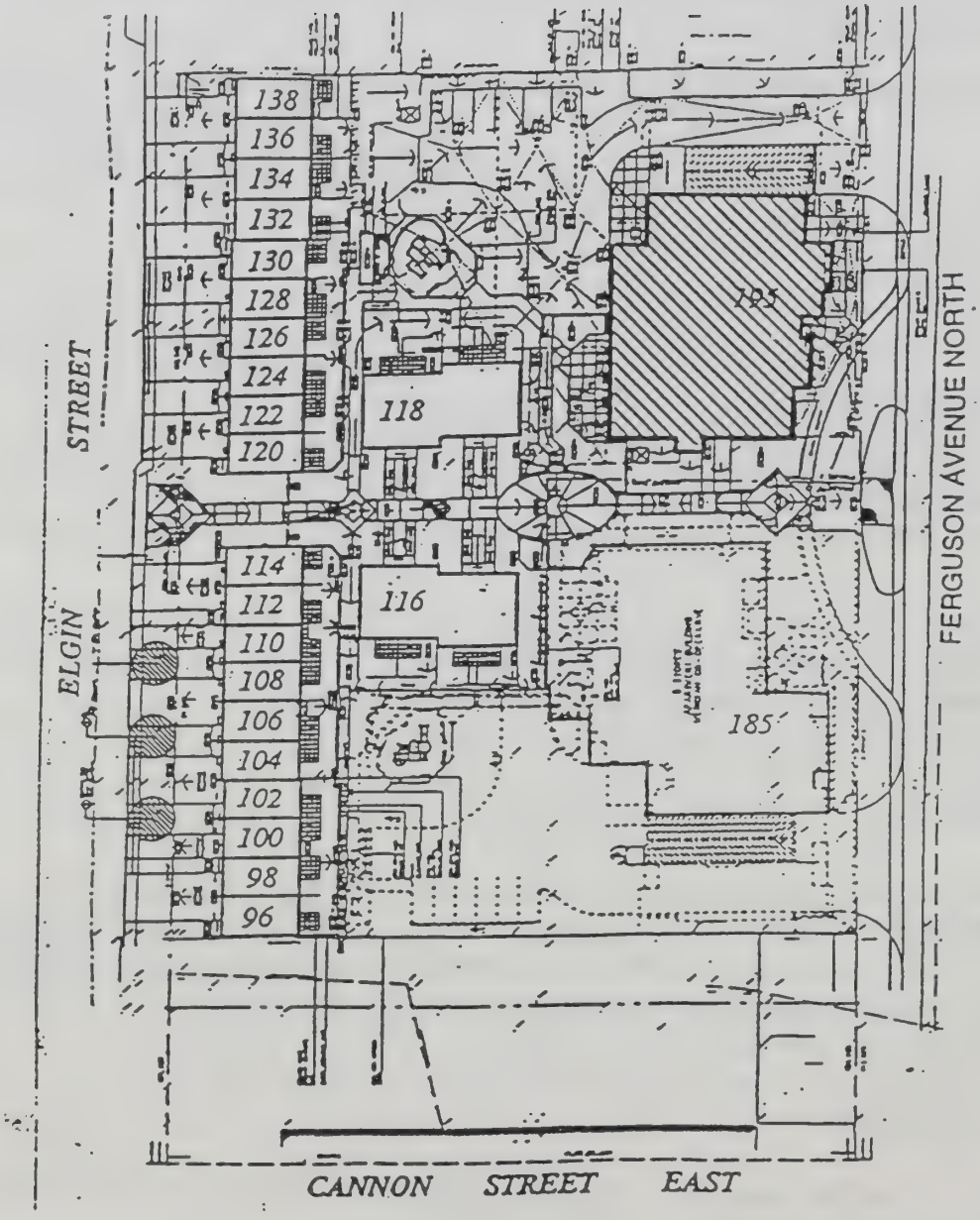
CONCLUSION:

Based on the foregoing, it would be appropriate to request the Ontario Municipal Board to include these two variances in By-law No. 97-147.

JHE

cc. Patrice Noé Johnson
City Solicitor

APPENDIX "A"



Legend

Site of the Application

F i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 March 18

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation Advisory Committee
City Clerk's Department

SUBJECT: Century Manor, Hamilton Psychiatric Hospital - Letter to Ontario Realty Corporation re: Historical Significance of Building

RECOMMENDATION:

That the Mayor send a letter to the Ontario Realty Corporation advising that Century Manor, located on the grounds of the Hamilton Psychiatric Hospital, is considered to be of major historical and architectural importance to the City of Hamilton, and request that in the event that the Hamilton Psychiatric Hospital is closed and the property sold, that every effort is taken to preserve and protect this designated building, such as the implementation of a Heritage Conservation Easement Agreement.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: n/a

BACKGROUND:

The building, erected in 1884 for the Hamilton Asylum for the Insane (East House), now known as "Century Manor", is part of the Hamilton Psychiatric Hospital property, owned by the Ontario Realty Corporation.

At the request of the Hamilton Psychiatric Hospital Museum Committee, the Local Architectural Conservation Advisory Committee recommended the designation of this historically and architecturally significant building under the Ontario Heritage Act, which was subsequently approved by City Council at its meeting held 1997 July 8.

Given that the building has stood vacant since 1995 August and in light of the recent announcement to close the Hamilton Psychiatric Hospital on the recommendation of the Province's Health Services Restructuring Commission, the future of the building is threatened.

The Local Architectural Conservation Advisory Committee at its meeting held 1998 March 9 voiced its support for the building's preservation and for the proposal of the Hamilton Psychiatric Hospital Museum Committee to house its Museum collection in Century Manor.

cc Victor Abraham, Director, Planning and Development Department
Nina Chapple, Planning and Development Department

F ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 March 18

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation Advisory Committee
City Clerk's Department

SUBJECT: CN Station - Agreement of Sale

RECOMMENDATION:

That the City of Hamilton recommend to the Minister of Canadian Heritage and the Chair of the Ontario Heritage Foundation that the heritage conservation easement agreement between the Ontario Heritage Foundation and any new owner of the CN Station property be entered into immediately after the Minister signs off the agreement of sale, or alternatively, that the Federal Government, as present owner, be requested to enter into a heritage conservation easement agreement with the Ontario Heritage Foundation prior to the sale, in order to ensure the ongoing permanent protection of the architecturally and historically significant CN Station.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: n/a

BACKGROUND:

The CN Station is currently protected under two pieces of legislation: the Heritage Railway Stations Protection Act (in force only as long as the property is still owned by CN Rail) and Part IV of the Ontario Heritage Act (which does not provide long-term protection against demolition). In accordance with the regulations of the Heritage Railway Stations Protection Act, the building cannot be altered, demolished or sold without approval at the federal level. Similar protection could be provided at the provincial level through a heritage conservation easement held by the Ontario Heritage Foundation, which has been made a condition of the sale (as recommended by the Department of Canadian Heritage and supported by City Council at its meeting held 1997 September 30). However, this agreement cannot technically be signed until the agreement of sale between CN Rail and the prospective owner has been signed off by the Minister of Canadian Heritage and the purchase transaction completed.

LACAC's Research Sub-Committee, at its last meeting held 1998 February 25, expressed concerns that there could be a gap in the protection provided under the federal legislation which ends with the sale of the property and the protection provided by the heritage conservation easement, if the latter does not come into effect immediately following the sale. The uninterrupted protection of the CN Station could only be ensured if the signing off of the agreement of sale by the Minister of Canadian Heritage is concurrent with the signing by the new owners of the heritage conservation easement agreement.

The above-noted recommendation was approved by the Local Architectural Conservation Advisory Committee at its meeting held 1998 March 9.

cc Victor Abraham, Director, Planning and Development Department
Nina Chapple, Planning and Development Department

G.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 March 18

REPORT TO: Alderman F. D'Amico, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Secretary, LACAC Re: Minutes of the meetings held January 12, February 2, February 9, and February 11, dated 1998 March 9.

(b) Director of Planning and Development Re: Site Plans for Approval, dated 1998 March 10.

1 March

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure is recorded for these matters.


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